

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

CONTENTS NOTED D. GRALL #481513 1/22/19

Incident Date: March 20, 2017
Department Knowledge: March 20, 2017
Statute Date: March 21, 2019

INTERNAL AFFAIRS BUREAU INVESTIGATIVE REPORT

VOLUME I

CONFIDENTIAL

IAB # SH 2423868

TABLE OF CONTENTS

TABLE OF CONTENTS
VOLUME I

SH 2423868

VOLUME II Contains:

Exhibits and Miscellaneous Documents

AUDIO/VIDEO TRACKING SHEET

INTERNAL AFFAIRS BUREAU
- Audio/Video Tracking Sheet -

IAB SH 2423868

Investigator's Name: Sergeant Paul S. Valle

Total number of DVD's: 0

Total number of compact discs: 6

Total number of digital audio files: 17

DIGITAL AUDIO FILES

Name
Witness [redacted] interviewed by Homicide Bureau
Witness [redacted] interviewed by Homicide Bureau
Witness [redacted] [redacted] interviewed by Homicide Bureau
Witness [redacted] interviewed by Homicide Bureau
Witness [redacted] interviewed by Homicide Bureau
Witness [redacted] interviewed by Homicide Bureau
Witness [redacted] interviewed by Homicide Bureau
Witness [redacted] interviewed by Homicide Bureau
Witness [redacted] interviewed by Homicide Bureau
Witness [redacted] interviewed by Homicide Bureau
Witness [redacted] interviewed by Homicide Bureau
Witness [redacted] interviewed by Homicide Bureau
Witness Sergeant James Long
Witness Deputy Henry Shue
Involved Employee Deputy Scott Inthavong
Involved Employee Deputy Nathan Botten

Involved Employee Deputy Brian Vance

COMPACT DISCS

Exhibit	Contents
D	One (1) compact disc containing photographs of the scene.
F	Five (5) compact discs containing Homicide Bureau recorded interviews and radio traffic recordings.

OFFICER INVOLVED SHOOTING
FORM SH-R-438A

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 03/20/2017	Bureau/Station/Facility: Temple Station	Admin. Invest.? [ ]	Hit? [x]

Incident Information

URN: 017-03249-0522-013	Date: 03/20/2017 Time: 0725
City or Station: Temple City	Nature of Incident: When suspect was contacted by deputies to be arrested for an outstanding warrant, he ran away and armed himself with a shotgun in his car. A deputy involved shooting occurred.
Location: 8838 E. Las Tunas Drive	

Location Type (check one or more):
- [ ] Backyard
- [ ] Beach
- [ ] Business
- [ ] Freeway
- [ ] Industrial
- [ ] Park
- [x] Parking Lot
- [ ] Residence
- [ ] Rural
- [ ] School
- [ ] Street
- Other: Station

Lighting (check only one):
- [ ] Darkness
- [x] Daylight
- [ ] Other
- [ ] Street Lights

Weather (circle only one):
- [ ] Clear
- [x] Cloudy
- [ ] Fog
- [ ] Rain

Distance: 5 feet

Incident Type (check one or more):
- [ ] Accidental
- [x] Armed Person
- [x] Fleeing Suspect
- [x] Foot Pursuit
- [ ] Gun Take Away
- [ ] Moving Vehicle
- [ ] Sniper/Ambush
- [ ] Startle
- [ ] Struggle Involved
- [ ] Traffic Stop
- [ ] Unarmed Person
- [ ] Unintentional
- [ ] Vehicle Pursuit
- [ ] Warrant Service
- [ ] Warning Shot
- Other:

Initiated by (check only one):
- [ ] Arrest Warrant
- [ ] Call
- [ ] Observation
- [ ] One Person Unit
- [x] Other
- [ ] Search Warrant
- [ ] Two Person Unit

Prior Activity (check only one):
- [ ] Detective
- [ ] Inmate Transport
- [x] Other
- [ ] Routine Patrol

Total # of Shots Fired by Deputy: 29

Total # of Shots Fired by Suspect: 1

Aero Unit? [ ] Canine Unit? [ ]

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (check only one)	ShiftType (check only one)
[redacted]	Long	James	P.	[redacted]	[redacted]
[redacted]	Shue	Henry	F.	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	NMI	[redacted]	[redacted]

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(check one or more)
[redacted]	Long	James	P.	[x] On Duty; [x] Present during shooting; [x] Witness to shooting; [ ] Involved in shooting
				[ ] On Duty; [ ] Present during shooting; [ ] Witness to shooting; [ ] Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Martinez	Erick	F.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	McNeal	Thomas	H.

PSTD Use Only

SH # ____________

Officer Involved Shooting

RN: 017-03249-0522-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
03/20/2017	0934	03/21/2017	

Employee #	Last Name	First Name	M.I.
[redacted]	Grall	David	M.
[redacted]	Valle	Paul	S.
[redacted]	Easter	Anthony	E.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1, E2, E3	FS	ZZ	12				
E1	S1	FH	BR	9	Y	Y	GS	CH, LE
E2	S1	FH	SW	9	Y	Y	GS	CH, LE
E3	S1	FH	BR	9	Y	Y	GS	CH, LE

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 017-03249-0522-013

Involved Employee

E 1

Employee #: [redacted]	Last Name: Botten	First Name: Nathan	M.I.: J.
Sex: M	Race: W	Rank: DSG	Unit Assignment: Temple Station
Work Assignment (Unit #, Module, etc.): 55	ShiftTime (circle only one): [redacted]	ShiftType (circle only one): [redacted]	Intoxication/Drug Usage? ☐
Substance Used:	Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐
Coroner Case #:	Interviewed? ☑	Hrs of sleep prior to shooting: 4 hours	Duty Time (hrs): [redacted]
Age: 32	Height: 6'03"	Weight: 308	Clothing (circle only one): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest
Other Factors:	Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date:
Certified with Weapon Used? ☑	Patrol Certification? ☑	Certification Unit: TEM	Prior Shootings? ☐
Number of Prior Shootings:	Directed Force: ☐	Weapons Fired Brand: Berretta	Caliber: 9mm
# Shots: 6	Weapons Fired Brand:	Caliber:	# Shots:
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: [redacted]
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: [redacted]

E 2

Employee #: [redacted]	Last Name: Vance	First Name: Brian	M.I.: M.
Sex: M	Race: W	Rank: DSG	Unit Assignment: Temple Station
Work Assignment (Unit #, Module, etc.): 290 Registrant Deputy	ShiftTime (circle only one): [redacted]	ShiftType (circle only one): [redacted] ☐ [redacted]	Intoxication/Drug Usage? ☐
Substance Used:	Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐
Coroner Case #:	Interviewed? ☑	Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]
Age: 42	Height: 6'07"	Weight: 280	Clothing (circle only one): ☑ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest
Other Factors:	Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date:
Certified with Weapon Used? ☑	Patrol Certification? ☑	Certification Unit: TEM	Prior Shootings? ☑
Number of Prior Shootings: 1	Directed Force: ☐	Weapons Fired Brand: Smith & Wesson	Caliber: 9mm
# Shots: 4	Weapons Fired Brand:	Caliber:	# Shots:
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: [redacted]
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: [redacted]

E 3

Employee #: [redacted]	Last Name: Inthavong	First Name: Scott	M.I.: NMI
Sex: M	Race: O	Rank: DSG	Unit Assignment: Temple Station
Work Assignment (Unit #, Module, etc.): 55	ShiftTime (circle only one): [redacted]	ShiftType (circle only one): [redacted]	Intoxication/Drug Usage? ☐
Substance Used:	Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐
Coroner Case #:	Interviewed? ☑	Hrs of sleep prior to shooting: 7-8 hours	Duty Time (hrs): [redacted]
Age: 29	Height: 5'07"	Weight: 200	Clothing (circle only one): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest
Other Factors:	Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date:
Certified with Weapon Used? ☑	Patrol Certification? ☑	Certification Unit: TEM	Prior Shootings? ☐
Number of Prior Shootings:	Directed Force: ☐	Weapons Fired Brand: Berretta	Caliber: 9mm
# Shots: 19	Weapons Fired Brand:	Caliber:	# Shots:
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: [redacted]
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: [redacted]

See Other Side

Officer Involved Shooting
Suspect Information

URN: 017-03249-0522-013

Suspect Information

S 1

Last Name: Lane	First Name: Andrew	M.I. J.
AKA Last Name:	First Name:	M.I.
Sex: M Race: W	Street A[redacted]	
Work Phone:	Home Phone:	Social Security # [redacted]
Driver's License # [redacted]		
Age: 47 D.O.B. 03/13/1970	Height: 6'02" Weight: 215	FBI # [redacted]
CII # [redacted]		
Booking #	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☑
Substance Used: Methamphetamine		
Armed? ☑	Apprehended? ☑	Mental Illness? ☐
Criminal History? ☑		
Vehicle Make: Chevrolet	Model: Trailblazer	Year: 2005
Parole: No	Probation: No	Prior Felony Conviction: Yes

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address: City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:
Driver's License #:		
Age: D.O.B.	Height: Weight:	FBI #
CII #		
Booking #	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐
Substance Used:		
Armed? ☐	Apprehended? ☐	Mental Illness? ☐
Criminal History? ☐		
Vehicle Make	Model:	Year:
Parole:	Probation:	Prior Felony Conviction:

S

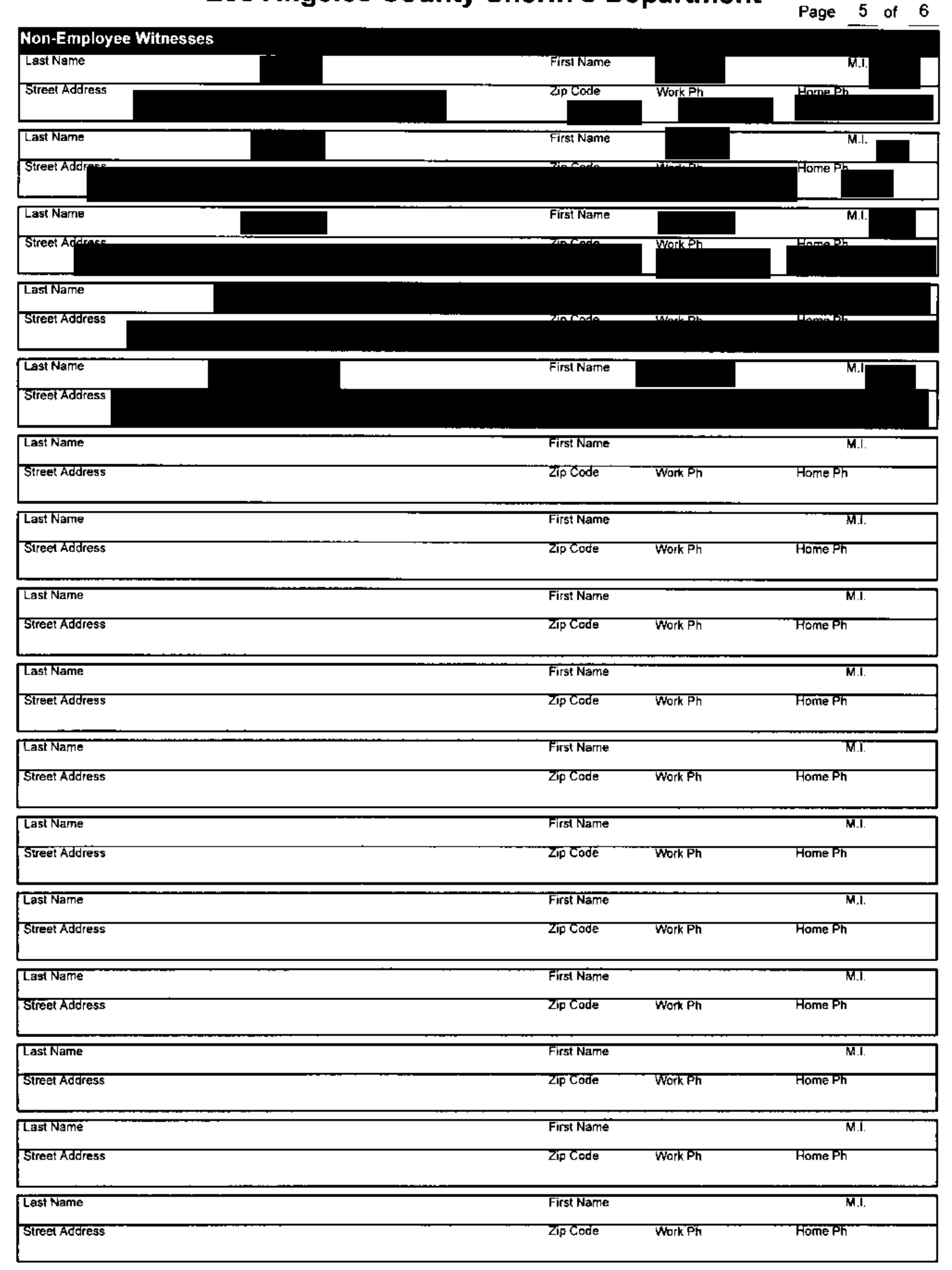
Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address: City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:
Driver's License #:		
Age D.O.B.	Height: Weight:	FBI #
CII #		
Booking #	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐
Substance Used:		
Armed? ☐	Apprehended? ☐	Mental Illness? ☐
Criminal History? ☐		
Vehicle Make	Model:	Year:
Parole:	Probation:	Prior Felony Conviction:

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address: City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:
Driver's License #:		
Age D.O.B.	Height: Weight:	FBI #
CII #		
Booking #	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐
Substance Used:		
Armed? ☐	Apprehended? ☐	Mental Illness? ☐
Criminal History? ☐		
Vehicle Make	Model:	Year:
Parole:	Probation:	Prior Felony Conviction:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department



Non-Employee Witnesses

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Zip Code [redacted] Work Ph [redacted] Home Ph [redacted]

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Home Ph [redacted]

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Work Ph [redacted] Home Ph [redacted]

Last Name [redacted]
Street Address [redacted]

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted]

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

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Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	Zip Code	Work Ph	Home Ph
Temple Station Secretary		[redacted]	

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	Zip Code	Work Ph	Home Ph
Temple Station Station Clerk Supervisor		[redacted]	

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	Zip Code	Work Ph	Home Ph
Temple Station Sheriff's Station Clerk II		[redacted]	

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

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INVESTIGATIVE SUMMARY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**On-duty hit shooting, suspect deceased**
IAB FILE NUMBER:	**SH 2423868**
URN#:	**017-03249-0522-013**
DATE/TIME:	**March 20, 2017, 0725 hours**
LOCATION:	**8838 East Las Tunas Drive, Temple City**

On March 20, 2017, an Internal Affairs Bureau (IAB) Shooting Response Team comprised of Lieutenant David Grall, Sergeant Paul Valle, and Sergeant Anthony Easter responded to Temple Station regarding an on-duty hit shooting.

Suspect Andrew Lane sustained two gunshot wounds to his right leg, a gunshot graze wound to his right chest, and a gunshot wound underneath his chin. He was pronounced deceased at the scene. No deputies were injured.

Lieutenant Grall verified the Temple Station Watch Commander, Lieutenant Thomas McNeal #[redacted] took reasonable steps to ensure the involved personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators. Lieutenant Grall also ensured Lieutenant McNeal knew the involved personnel should not collectively consult with their representatives. In addition, Lieutenant Grall confirmed the watch commander attempted to have the involved personnel remain in the company of a supervisor until they provided statements to the assigned investigators.

Upon their arrival, IAB investigators learned there was an active command post and containment of the crime scene area. Investigators learned of the series of events which culminated in the shooting involving Deputy Scott Inthavong, Deputy Nathan Botten, and Deputy Brian Vance.

Detective Louie Aguilera #[redacted] and Detective Mark Boisvert #[redacted] from the Los Angeles County Sheriff's Department Homicide Bureau arrived and assumed control of the crime scene. For further information, refer to the Homicide Bureau case book, under URN# 017-03249-0522-013, **[Exhibit A]**.

SYNOPSIS

On March 20, 2017, at approximately 0700 hours, Deputy Vance walked into the Temple Station lobby, and stood behind the counter. Deputy Vance was the Temple Station 290 Sex Registrant Deputy and had previously scheduled several sex registrants to be in the lobby at 0700 hours.

> **IAB Note:** **California Penal Code section 290(a) is known as the Sex Offender Registration Act. It states every person who has been convicted of certain sex crimes, shall register with the local law enforcement agency in the city or area they reside in. This registration shall take place within five days of moving into, or changing their residency within California.**

Suspect Lane was amongst the registrants in the lobby and made contact with Deputy Vance. Deputy Vance recognized Suspect Lane from prior contacts when registering at the station. Deputy Vance was aware Suspect Lane was wanted by the Los Angeles Police Department (LAPD) for a lewd act upon a child violation. Detectives from the LAPD contacted Deputy Vance before, and informed him Suspect Lane had an outstanding warrant for his arrest. The detectives knew Suspect Lane would present himself to Deputy Vance when he was scheduled to register per his Penal Code section 290(a) requirements.

When Deputy Vance saw Suspect Lane in the lobby, he remembered Suspect Lane was wanted by the LAPD. Deputy Vance contacted him and asked to see his identification. When Suspect Lane opened his wallet to retrieve his identification card, the wallet fell onto the counter in an open form. Deputy Vance saw two other forms of identification cards clearly visible from the open wallet, and noticed the identifications had the name "Andrew Lane" printed on the front, as well as the word "SWAT" (Special Weapons and Tactical Team). Deputy Vance also saw a metal police style badge in the wallet. When Deputy Vance questioned Suspect Lane about the badge and the identification cards, Suspect Lane told him he was a security guard and was allowed to have them.

Once Deputy Vance walked away from the front counter, he immediately went to a Department computer terminal and confirmed Suspect Lane had an outstanding LAPD arrest warrant, with a bail in the amount of $40,000.00. Deputy Vance walked into the briefing room, where a briefing of day shift deputies was being conducted by Sergeant James Long (recently promoted to lieutenant). Deputy Vance informed Sergeant Long and the deputies of the information he developed, and requested the help of anyone to arrest Suspect Lane in the lobby. He also advised the deputies of the "Swat" identification cards Suspect Lane possessed, and to be aware the suspect could be armed with a weapon.

Deputy Inthavong, Deputy Shue, Deputy Botten, and Sergeant Long all volunteered to assist Deputy Vance. Before walking into the lobby, Deputy Vance provided the deputies and Sergeant Long a description of Suspect Lane and what he was wearing.

Deputy Inthavong, Deputy Botten, Deputy Shue, Deputy Vance and Sergeant Long walked into the lobby and saw Suspect Lane standing outside of the lobby, near the front steps of the entrance. When the deputies contacted Suspect Lane, he stepped backwards and ran across the station parking lot to his parked vehicle, which was in the station's parking lot. Suspect Lane ran to the passenger side of his vehicle, opened the rear passenger door, and armed himself with a shotgun. When Suspect Lane raised the barrel of the shotgun toward the deputies, a deputy involved shooting occurred.

DISTRICT ATTORNEY'S LETTER OF OPINION

The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office reviewed the fatal shooting of Suspect Lane by Deputy Inthavong, Deputy Botten, and Deputy Vance. In the letter of opinion, **[Exhibit B]**, dated March 22, 2018, Head Deputy District Attorney Shannon Presby concluded Deputy Inthavong, Deputy Botten, and Deputy Vance acted lawfully in self-defense and defense of others.

INVOLVED EMPLOYEES AND WORK HISTORY

Inthavong, Scott Deputy Sheriff, #[redacted]
East Patrol Division
Temple Station

Work History

[redacted]

Equipment Worn On Person

Deputy Inthavong was wearing a Class A uniform with a gun belt. His gun belt contained a holster with his duty weapon, one X26 Taser within a holster, two sets of handcuffs in cases, a portable radio within a holster, a can of Oleoresin Capsicum (OC) spray, one set of keys in a pouch and another set of keys on a clip, and one extra magazine inside his magazine pouches (one magazine was left in the scene). Deputy Inthavong had a folding knife in one of the sap pockets of his uniform pants, and a small tactical flashlight in the other sap pocket.

Botten, Nathan, J., Deputy Sheriff, #[redacted]
East Patrol Division
Temple Station

Work History

[redacted]

Equipment Worn On Person

Deputy Botten was wearing a Class A uniform with a gun belt. His gun belt contained a holster with his duty weapon, a collapsible baton, two sets of handcuffs in cases, a portable radio within a holster, a can of Oleoresin Capsicum (OC) spray, one set of keys in a pouch, and four extra magazines inside two separate magazines pouches. Deputy Botten had a sap in the sap pocket of his uniform pants, a pair of black gloves in the back pocket of his pants, and a flashlight in the other sap pocket.

Vance, Brian M., Deputy Sheriff, #[redacted]
East Patrol Division
Temple Station

Work History

[redacted]

Equipment Worn On Person

Deputy Vance was wearing civilian clothes, consisting of blue jean pants, a t-shirt, and a light jacket. His gun was contained inside a brown leather holster, which was tucked in the front of his pants waistband. A folding knife with a clip was clipped into the front left pocket of his pants.

SUSPECT INFORMATION

Lane, Andrew Jared
Male, White, DOB: March 13, 1970, 6'02", 215 pounds.

[redacted]
CII [redacted], MAIN [redacted], FBI [redacted]

IAB Note: A copy of Suspect Lane's criminal history is included in the Homicide Bureau Investigation Book, [Exhibit A, pages 210-227].

SUSPECT'S INJURIES

Suspect Lane sustained four gunshot wounds. Two wounds were to his right leg, one was a grazing wound to the right chest, and the fourth wound was underneath his chin and deemed to be fatal. The autopsy revealed Suspect Lane tested positive for methamphetamine usage. See the toxicology reports, **[Exhibit A, pages 190-197]**. See all other medical reports, **[Exhibit A, pages 169-207]**.

DEPUTY PERSONNEL INJURIES

No deputies were injured.

PHYSICAL EVIDENCE

Several items of evidence were collected by the staff from Scientific Services Bureau.

IAB Note: A sketch of the crime scene, [Exhibit C] was created by Forensic Identification Specialist II, Michael Bayer #[redacted] Crime Scene Investigation Reports were authored by Senior Criminalist, Anny Wu #[redacted] and Forensic Identification Specialist I, Ziara Avalos #[redacted] [Exhibit A, pages 153-165]. A compact disc containing photographs of the scene are also included, [Exhibit D].

All physical evidence was located and collected by the Los Angeles County Sheriff's Department Scientific Services Bureau. For descriptions of the evidence collected and where it was collected, see the Crime Scene Investigation Reports, **[Exhibit A, pages 153-159]**.

IAB Note: Although Temple Station has a video camera facing the front parking lot, the video is not recorded. The camera merely provides a live feed to a monitor, inside the station's dispatch center, to be monitored by station personnel.

DISTANCE

Deputy Inthavong was approximately five feet away from Suspect Lane when he fired the first volley. When Deputy Inthavong began to fire the second volley, he walked backwards, to create distance from the suspect. Deputy Botten was approximately six to eight feet away from Suspect Lane when he fired. Deputy Vance was approximately sixty to seventy feet away from Suspect Lane when he fired.

WEAPON USED BY DEPUTY INTHAVONG

Deputy Inthavong fired nineteen rounds of Winchester 9 millimeter ammunition from his Berretta, model 92FS, semiautomatic pistol. The firearm was examined by Scientific Services Bureau Senior Criminalist Anny Wu #[redacted]. The weapon was found to be functional, **[Exhibit A, pages 167-168]**.

Prior to the shooting in this investigation, Deputy Inthavong qualified with his firearm on [redacted].

Nineteen expended 9 millimeter casings were recovered on the western portion of the scene, **[Exhibit A, page 157]**.

WEAPON USED BY DEPUTY BOTTEN

Deputy Botten fired six rounds of Winchester 9 millimeter ammunition from his Berretta, model 92FS, semiautomatic pistol. The firearm was examined by Scientific Services Bureau Senior Criminalist Anny Wu #[redacted]. The weapon was found to be functional, **[Exhibit A, pages 167-168]**.

Prior to the shooting in this investigation, Deputy Botten qualified with his firearm on [redacted].

Six expended 9 millimeter caliber casings were recovered on the eastern portion of the scene, **[Exhibit A, page 157]**.

WEAPON USED BY DEPUTY VANCE

Deputy Vance fired four rounds of Winchester 9 millimeter ammunition from his Smith & Wesson, model M&P, semiautomatic pistol. The firearm was examined by Scientific Services Bureau Senior Criminalist Anny Wu #[redacted]. The weapon was found to be functional, **[Exhibit A, pages 167-168]**.

Prior to the shooting in this investigation, Deputy Vance qualified with his firearm on [redacted].

Four expended 9 millimeter caliber casings were recovered on the southern portion of the scene, **[Exhibit A, page 157]**.

WEAPON USED BY SUSPECT LANE

Suspect Lane pointed a loaded J. Stevens Arms Company, model 620, 12 gauge pump action shotgun, at Deputies Inthavong, Botten, Vance, Shue, and Sergeant Long. The shotgun was recovered from the pavement, west of Suspect Lane's vehicle. The shogun was originally located laying across the chest of Suspect Lane, with the barrel pointed to underneath his chin; however, Special Enforcement Bureau Deputy Michael Pokorny #[redacted] moved the shotgun away from the suspect, and placed it on the pavement west of Suspect Lane's vehicle for security purposes. The trigger, slide, and ejection port were not manipulated while securing the weapon. The shotgun was recovered with an expended nine pellet buckshot cartridge case in the chamber and one live nine pellet buckshot shotgun round in the magazine tube.

PROPERTY DAMAGE BY SUSPECT LANE

None

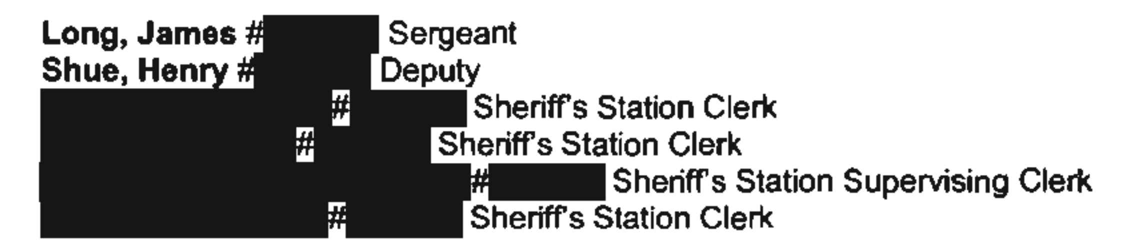
CRIMINAL INVESTIGATORS AND CHARGES FILED

The criminal investigation into the shooting was handled by Detectives Louie Aguilera and Marc Boisvert of the Los Angeles County Sheriff's Department's Homicide Bureau. No charges were filed.

LIGHTING AND WEATHER CONDITIONS

The scene was illuminated by morning daylight. The weather was clear and cool.

DEPARTMENT WITNESSES


Long, James #[redacted] Sergeant
Shue, Henry #[redacted] Deputy
[redacted] #[redacted] Sheriff's Station Clerk
[redacted] #[redacted] Sheriff's Station Clerk
[redacted] #[redacted] Sheriff's Station Supervising Clerk
[redacted] #[redacted] Sheriff's Station Clerk

NON-DEPARTMENT WITNESS


[redacted] MH/Adult
[redacted]

Witness [redacted] was interviewed by Homicide Bureau Detective Sergeant Kenneth Perry and Detective Scott Matlock on March 20, 2017. Witness [redacted] stated he arrived at the Temple Station lobby at approximately 0700 hours to renew his [redacted] Witness [redacted] said there were other males in the lobby, also waiting [redacted] with Deputy Vance. He said he sat in one of the chairs in the lobby and eventually fell asleep while waiting to be called to the counter.

Witness [redacted] said after several minutes had passed, he woke up and walked outside of the lobby, to the front steps of the station to smoke a cigarette. An unknown male white (Suspect Lane) also walked out of the station. He saw Suspect Lane walk toward the parked vehicles in the parking lot and soon returned holding onto a pack of cigarettes. Witness [redacted] said he did not see if Suspect Lane ever entered a vehicle. Suspect Lane walked back to the front steps of the station, just outside the station's front doors, and began smoking a cigarette. Witness [redacted] said Suspect Lane finished his cigarette and walked back into the station. He never spoke to Suspect Lane.

Witness [redacted] stated after he finished his cigarette, he too walked back into the station, found an empty phone booth, and sat down on the seat in the booth. Soon after, Witness [redacted] said he saw several uniformed deputies enter the lobby from the south interior door, and exit the front station doors into the parking lot. Witness [redacted] said soon after the deputies walked outside, he heard several voices yell out, "Get on the floor! Get on the floor! Let me see your hands!"

Witness [redacted] said approximately 15-20 seconds later, he heard a rapid succession of gunfire coming from the parking lot of the station. Witness [redacted] was unable to estimate how many shots he heard. He said he did not move from the phone booth he was sitting in. After the gunshots subsided, he said there was a short pause, then he heard deputies yelling, "Get cover! Stay back!"

Witness [redacted] said soon after, he saw additional deputies enter the lobby from the south interior door. Some of the deputies exited the lobby toward the parking lot, and others directed people from the outside to come inside the station. Witness [redacted] reiterated he did not witness the shooting and said he never moved from the phone booth until the shooting had completely stopped.

[redacted] MH/Adult
[redacted]

Witness [redacted] was interviewed by Homicide Bureau Detective Sergeant Kenneth Perry and Detective Scott Matlock on March 20, 2017. Witness [redacted] stated he arrived at the Temple Station lobby at approximately 0700 hours to renew [redacted].

Witness [redacted] said he waited in the station lobby for the deputy, who conducted [redacted] to speak to him. Witness [redacted] said he sat down on one of the chairs along the south wall, near the glass lobby doors.

Witness [redacted] said he saw an unknown male white, wearing a cowboy hat (Suspect Lane) enter the lobby, and spoke with someone at the front counter. Suspect Lane exited the station, and began to smoke a cigarette on the front steps, pacing back and forth.

Soon after, Witness [redacted] said six deputies walked past him and exited the station lobby doors. He heard one of the deputies say, "You're under arrest." Witness [redacted] said he looked out the glass lobby doors and saw Suspect Lane turn away from the deputies and run across the station parking lot in a western direction. Witness [redacted] said some of the deputies began to chase Suspect Lane, and some of them had their duty weapons drawn. He saw Suspect Lane throw his cowboy hat to the ground as he ran away from the deputies.

Witness [redacted] said he felt something "bad" was about to occur, and therefore moved away from his seat and walked to the northern portion of the station entrance, near the water fountain. Witness [redacted] said he heard at least six gunshots in a rapid succession coming from the parking lot. Witness [redacted] said he could not see who was shooting from his position. Witness [redacted] said he did not move from his position until he was directed by deputies to walk into the interior portion of the station, after the shooting subsided.

When homicide investigators asked Witness [redacted] if he heard any yelling or loud voices prior to the shooting, he said he did not and admitted he has difficulty hearing due to a hearing loss.

[redacted] MH/Adult
[redacted]

Witness [redacted] was interviewed by Homicide Bureau Detective Sergeant Kenneth Perry and Detective Scott Matlock on March 20, 2017. Witness [redacted] stated he arrived at the Temple Station lobby at approximately 0640 hours to [redacted] He had made an appointment to see Deputy Vance. After Witness [redacted] spoke to a female employee at the front counter, he sat down on one for lobby chairs along the south wall, near the glass lobby doors.

Witness [redacted] said after several minutes, other men came into the station lobby and sat down on chairs next to him. Witness [redacted] saw an unknown male walk into the lobby, wearing a black cowboy hat (Suspect Lane). Suspect Lane spoke

to someone at the front counter and may have given the person his identification card. Witness [redacted] said Suspect Lane then walked outside.

Witness [redacted] said approximately two to three minutes later, he saw two deputies walk into the lobby from the south interior door, and exit the lobby doors, into the parking lot. Witness [redacted] said after the deputies walked outside, he heard loud noises coming from outside. He believed them to be gunshots. Witness [redacted] admitted he had never heard live gunshots before.

Witness [redacted] said after the gunshots, other station personnel directed him and other people in the lobby to move to the hallway north of the front counter. Eventually, Witness [redacted] and the other people were moved to a large room within the station. Witness [redacted] said he did not witness the shooting, but only heard the gunfire.

[redacted] MH/Adult
[redacted]

Witness [redacted] was interviewed by Homicide Bureau Detective Sergeant Kenneth Perry and Detective Scott Matlock on March 20, 2017. Witness [redacted] stated he arrived at the Temple Station lobby at approximately 0650 hours to [redacted] He had made an appointment to see Deputy Vance at 0700 hours.

IAB Note: **Witness [redacted] announced he had difficulty hearing and wore [redacted] to assist him. Homicide and IAB investigators confirmed he was wearing [redacted] in both of his ears at the time he was interviewed.**

Witness [redacted] stated he contacted Deputy Vance, who took his identification card and instructed him to wait in the lobby until he returned. Witness [redacted] said he sat down on one of the chairs along the south wall, near the glass lobby doors. Witness [redacted] said after several minutes had passed, he saw three uniformed deputies walk into the lobby and quickly exit the front lobby doors. Witness [redacted] said the deputies walked very quickly through the lobby, which made him believe something was wrong or occurring in the parking lot.

Witness [redacted] said once the deputies exited, he saw an unknown male, who was wearing a black jacket (Suspect Lane), standing just outside the doors. Witness [redacted] said he saw Suspect Lane run westbound in the parking lot, then turned in a northern direction. Witness [redacted] stood up from his seat, walked toward the exit doors, and looked out through the glass windows/doors at what was about to occur. Witness [redacted] said it appeared Suspect Lane was attempting to run out of the parking lot, but could not because the tall retaining wall along Las Tunas Drive was in his path. Witness [redacted] said Suspect Lane attempted to run

eastbound, in between the retaining wall and parked cars, but could not because of a deputy nearby. Witness [redacted] said he did not hear any commands given by the deputies.

Witness [redacted] said it appeared Suspect Lane had nowhere else to run to, and saw him approach a SUV that was backed into one of the parking spaces. Witness [redacted] said he saw Suspect Lane open the rear passenger side door and "dive" into the back seat. Suspect Lane closed the door, then opened it again. Witness [redacted] said Suspect Lane's behavior made him believe he (Suspect Lane) was attempting to arm himself with a firearm.

Witness [redacted] said he saw a deputy on the western portion of the lot fire one round from his handgun toward the direction of where Suspect Lane was. After firing the round, the deputy walked backwards in a southwestern direction, and out of Witness [redacted] view. Witness [redacted] said he saw smoke coming from where the deputy retreated to, and believed the smoke was generated from the shooting of a gun. Witness [redacted] said he saw a second source of smoke, generated from the shooting of a gun, coming from the same area as before. Witness [redacted] believed it to be a second deputy, who was out of his view, shooting his weapon toward Suspect Lane. Witness [redacted] said he heard four to five rapid gunshots, but possibly more. He believed the gunshots came from different guns based on the different sounds of gunshots he heard.

Witness [redacted] said after hearing the gunshots, approximately five seconds later, he saw a deputy walk to the front of the SUV, and fire a single shot through the front windshield, several inches above the windshield wipers. After seeing this, Witness [redacted] yelled at the personnel behind the station counter, "Deputy needs assistance, shots fired!" Witness [redacted] said after the deputy shot through the windshield, he did not see or hear anymore gunfire.

Witness [redacted] stated after the shooting subsided, several more deputies entered the lobby, armed with rifles and shotguns, and exited into the parking lot. Witness [redacted] was directed to move away from the front doors and window, and into a room inside the station.

[redacted] MH/Adult
[redacted]

Witness [redacted] was interviewed by Homicide Bureau Detective Sergeant Kenneth Perry and Detective Scott Matlock on March 20, 2017. Witness [redacted] stated he was employed by [redacted] and was contracted to conduct concrete work at Temple Station. His coworker, Witness [redacted], was with him at the time of the shooting. Witness [redacted] identified

other workers from another company, who were also present at the time. He identified them as Witness [redacted] and Witness [redacted]

Witness [redacted] stated he arrived to the station at approximately 0700 hours and began inspecting a portion of concrete in the southwestern portion of the parking lot, near the generator and cellular tower. His attention was drawn to a male (Suspect Lane), running from the station lobby doors and into the parking lot. Witness [redacted] said several uniformed deputies were chasing him, and yelling commands at him. He heard the deputies tell Suspect Lane to stop running and to get on the ground. Witness [redacted] added the deputies continually yelled commands, but Suspect Lane did not follow them. At one point, Witness [redacted] said he heard an unknown deputy yell out, "Tase him!", but he did not see anyone with a taser nor deploy one.

Witness [redacted] said Suspect Lane ran toward him and his coworkers, in a western direction. Suspect Lane then turned northbound, and ran to a blue SUV, which was parked backed into the parking space. Witness [redacted] said Suspect Lane opened the rear passenger door of the SUV, and jumped into the back seat. Witness [redacted] said a shorter deputy almost caught up with Suspect Lane before he jumped into the vehicle. Witness [redacted] heard additional commands from an unknown deputy who said, "Let me see your hands, let me see your hands!" Witness [redacted] said he was unable to see Suspect Lane, or any portion of him inside the vehicle.

Witness [redacted] stated he began to fear for his safety after Suspect Lane entered the vehicle. Witness [redacted] said he ran southbound, and hid behind the bushes in the planter along the northern wall of the station. As he was running southbound, he began to hear gunshots coming from behind him. Witness [redacted] said when he got to the bushes, he turned back toward the vehicle and saw a deputy firing his handgun toward Suspect Lane inside the vehicle. Witness [redacted] said the deputy continued to fire his handgun while walking backwards in a southwestern direction. He saw the deputy stop walking backwards, and took cover behind a large gray Ford truck, which was parked west of the SUV Suspect Lane jumped into. Witness [redacted] said he saw the deputy drop a magazine from his handgun onto the ground, then insert another magazine.

Witness [redacted] said although he saw additional deputies to his right peripheral vision, he focused most of his attention on the shorter deputy in front of him, and did not see what the other deputies do.

[redacted] MH/Adult
[redacted]

Witness [redacted] was interviewed by Homicide Bureau Detective Sergeant Kenneth Perry and Detective Scott Matlock on March 20, 2017.

Witness [redacted] stated he was at the station working for a company who received a contract to upgrade the land-mobile radio antenna system for Los Angeles County police and fire agencies. Witness [redacted] said he arrived at the station at approximately 0700 hours, and met subcontractors Witness [redacted] Witness [redacted], and Witness [redacted] in the parking lot.

Witness [redacted] stated he parked his gray Ford truck in the northwestern portion of the parking lot. Soon after, he saw a blue SUV drive into the parking lot, and back into the parking space east of his truck. Witness [redacted] said he saw the driver, Suspect Lane, exit the vehicle, and enter the station through the lobby doors.

Witness [redacted] said he began to work along the south portion of the parking lot, near the charging stations for electric vehicles. He said his attention was drawn away when he saw Suspect Lane running from the station's front doors and into the parking lot, in a western direction. Witness [redacted] said he saw approximately five to six deputy sheriff's running behind Suspect Lane. He saw Suspect Lane remove the cowboy hat from his head, and toss it to the ground. Suspect Lane turned northbound and ran toward his SUV.

Witness [redacted] saw Suspect Lane open the rear passenger side door. Witness [redacted] said he believed Suspect Lane's actions of opening the passenger door was odd for a person who was trying to escape. Witness [redacted] said he did not believe Suspect Lane was attempting to escape, but rather arm himself with a weapon. He said he saw Suspect Lane enter the back seat of his vehicle, at which time the deputies began to surround the vehicle. Witness [redacted] said he heard someone yell out, "Tase him! tase him!"

Witness [redacted] said after Suspect Lane entered the back seat of his vehicle, the rear passenger door did not completely close. He believed a deputy kept the door from closing, or one of Suspect Lane's legs prevented it from closing all the way. Witness [redacted] said he was unable to see Suspect Lane inside the vehicle because of the dark tinted windows. Soon after, Witness [redacted] said he heard someone yell loudly, "Shoot him! Shoot him!" After hearing that command, Witness [redacted] said he became in fear for his safety, and ran southbound, toward the planter near the northern exterior wall of the station. While Witness [redacted] was running southbound, he heard fifteen to twenty gunshots coming from behind him. Although he did not see anyone shooting, Witness [redacted] believed the gunshots came from multiple guns, and were of the same caliber based on the tone of each shot.

Witness [redacted] said he directed some of the subcontractors to seek cover behind a nearby Toyota Prius for his and their protection. He said he heard an additional ten to fifteen gunshots, but still had not seen anyone shooting. Immediately thereafter, Witness [redacted] said he saw additional deputies exit the

front lobby doors and into the parking lot. One of the deputies directed Witness [redacted] and the other civilians into the station lobby for protection.

[redacted] MH/Adult
[redacted]

Witness [redacted] was interviewed by Homicide Bureau Detective Sergeant Guillermo Morales and Detective Steve Blagg on March 20, 2017. Witness [redacted] stated he worked for [redacted] and was at the Temple Station to complete a contracted job in the front parking lot. He said he arrived to the station at approximately 0700 hours.

Witness [redacted] said he was standing with other contractors on the west side of the parking lot when he heard someone from behind him yell out, "Tase him!" Witness [redacted] said he turned around and saw a male running from the front of the station (Suspect Lane) in a northwestern direction. He saw three deputies chasing him. As Suspect Lane got closer to Witness [redacted] and the other contractors, he turned north and ran to a parked blue "Trail Blazer", which was backed into a parking space.

Witness [redacted] said Suspect Lane was being chased by an Asian deputy, followed by two other deputies. Witness [redacted] could not describe the two other deputies, but knew they were all wearing uniforms. Witness [redacted] said the Asian deputy was approximately ten feet behind Suspect Lane as they ran across the parking lot, and was holding a taser in his hand. Witness [redacted] said he could identify the object in the Asian deputy's hand as being a taser because of the yellow markings, and it did not appear to be a standard handgun.

Witness [redacted] said he saw Suspect Lane run to the passenger side of the blue "Trail Blazer" SUV and attempted to open the front passenger door, but struggled opening it. Suspect Lane moved to the rear passenger door and when he opened it, Suspect Lane dove head first into the vehicle's rear seat area. Witness [redacted] said the Asian deputy was approximately ten feet away from the front of the vehicle when Suspect Lane jumped into the vehicle. Witness [redacted] said he heard someone yell out, "Gun!", and saw deputies begin shooting toward the suspect as he was diving into the vehicle.

Witness [redacted] said when the shooting began, he dropped his notebook onto the ground and attempted to get behind a palm tree for cover. He was unable to see what Suspect Lane was doing at the time the shooting began, but estimated he heard approximately ten gunshots. Witness [redacted] said after a brief pause, a deputy directed him and the other civilians into the station lobby. Once inside the lobby, Witness [redacted] said he heard a second volley of gunshots, but could not estimate how many shots he heard in total.

[redacted] MH/Adult
[redacted]

Witness [redacted] was interviewed by Homicide Bureau Detective Sergeant Guillermo Morales and Detective Steve Blagg on March 20, 2017. Witness [redacted] said he worked for [redacted], who was contracted to retrofit and upgrade Temple Station's existing communication system. He said he arrived at approximately 0600 hours, and parked his white, Volkswagen Jetta in the eastern portion of the station's parking lot.

At approximately 0700 hours, when other construction contractors arrived, Witness [redacted] saw a blue Chevrolet Trail Blazer enter the parking lot and backed into a parking space on the northwestern portion of the lot. He saw the driver, Suspect Lane, exit the vehicle and walk into the station.

Witness [redacted] said approximately ten to fifteen minutes later, he and the other contractors were standing near the concrete pad on the west side of the lot when he saw Suspect Lane running from the front of the station. He said Suspect Lane was running westbound, toward him and the other civilians, being chased by a deputy sheriff. Witness [redacted] said he focused on Suspect Lane and the deputy behind him, but knew there were other deputies following.

Witness [redacted] said the deputy was armed with a taser. He identified it as a taser because of the yellow coloring and it appeared to be a "toy gun." Witness [redacted] said Suspect Lane turned northbound and ran to his vehicle and attempted to open the rear passenger side door, but fumbled with the door handle. Witness [redacted] said he heard someone yell, "Tase him! Tase him!", as Suspect Lane opened the rear passenger door. Witness [redacted] attention was drawn to the other pursuing deputies and did not know how Suspect Lane entered the vehicle. He added the vehicle had tinted windows and he was unable to see what Suspect Lane was doing inside.

Witness [redacted] said he saw additional deputies exit the station's front doors, and saw the other contractors running for cover behind some bushes. He said once he decided to also seek for cover, he heard someone yell out, "Shoot him! Shoot him!" Witness [redacted] said he was not sure if he heard the statement first, then the shooting begin, or if the two events occurred at the same time. He said he heard approximately ten gunshots fired, a brief pause and then a second volley of gunshots.

Witness [redacted] said the deputy who was initially chasing Suspect Lane, was standing on the passenger side of Suspect Lane's vehicle, shooting his handgun into the rear passenger side window. The other deputies were positioned on the driver's side of Suspect Lane's vehicle. He said as the gunfire was occurring,

another deputy directed him and the other contractors into the station through the front doors.

DEPARTMENT WITNESSES

Sergeant James Long

Witness Sergeant James Long was interviewed by IAB Sergeant Paul Valle and Sergeant Israel Renteria on October 16, 2018 at the IAB offices. Sergeant Long was represented by attorney Elizabeth Gibbons.

Witness Long stated on the morning of the incident, March 20, 2017, he was assigned as unit 50S, day shift, beginning at [redacted] hours and ending at [redacted] hours. He said while he was conducting the 0700 hour briefing in the briefing room, Deputy Vance entered at approximately 0720 hours. Deputy Vance requested help with arresting a male (Suspect Lane), who was in the front lobby, for two outstanding felony warrants. Deputy Vance advised Witness Long Suspect Lane possessed an identification and a badge with the word "SWAT" on them, and to be cautious Suspect Lane could be armed with a weapon.

Witness Long stated Deputy Inthavong and Witness Shue volunteered to help, and they all walked through the station with Deputy Vance to the interior door that led to the front lobby. Witness Long stated Deputy Botten was near the doorway and also volunteered to assist with the arrest. Deputy Vance provided them a description of Suspect Lane and what he was wearing. Witness Long quickly formulated an arrest plan before walking into the lobby. He believed he assigned Witness Shue the non-lethal option, since he had a taser on his gun belt. Witness Long also believe he instructed Deputy Botten to be the deputy who would made contact with Suspect Lane, while Deputy Inthavong would speak to the suspect. Witness Long said he did not give Deputy Vance an assignment since he was wearing his civilian clothes. Deputy Vance was there to merely identify Suspect Lane.

Witness Long said when they all walked into the lobby through the interior door, they did not see Suspect Lane; however, they saw him standing just outside the front lobby doors. Suspect Lane was standing near the front steps, leaning on the wall that displayed the station's name and Department emblem. Witness Long said Suspect Lane matched the description Deputy Vance provided them.

Witness Long said he believed Deputy Inthavong and Deputy Botten were the first two who walked outside and made contact with Suspect Lane. Witness Long said he was just behind the deputies. Witness Long said he believed once the deputies walked outside, Suspect Lane began to run down the front steps and into the parking lot. Witness Long heard one of the deputies yell, "Stop!", but Suspect Lane ignored the command and continued to run. Witness Long said he instructed the deputies to follow Suspect Lane, and saw Deputies Inthavong and

Botten chase after him. Witness Long believed Deputy Inthavong was behind the suspect, Deputy Botten was behind Deputy Inthavong, and he (Witness Long) was behind Deputy Botten. Witness Long was not certain where Deputy Vance or Witness Shue were, but he knew they were nearby.

Witness Long said Suspect Lane ran westbound, across the parking lot, then turned northbound toward the retaining wall on the northern portion of the lot. Witness Long thought Suspect Lane would attempt to jump on top of the wall, and onto the sidewalk to escape toward Las Tunas Drive. Witness Long said he ran toward the driveway/entrance of the parking lot to make his way to the sidewalk to maintain a visual of Suspect Lane. Witness Long said Suspect Lane was unable to jump the wall and turned back southbound toward a blue SUV and stood on the passenger side.

When IAB investigators asked where each deputy was at the time Suspect Lane reached the SUV, Witness Long said Deputy Inthavong was on the west portion of the parking lot, standing near the front driver's side corner of a large gray truck. He saw Deputy Botten standing near the front driver's side corner of the SUV, but did not know where Deputy Vance was. Witness Long believed Witness Shue was somewhere behind him (Witness Long).

Witness Long said once Suspect Lane stopped at the passenger side of the SUV, he (Witness Long) ran westbound through the parking lot and stood next to Deputy Botten. Witness Long said as they stood near the driver's side front wheel, he could see Suspect Lane had opened the rear passenger side door. He saw Suspect Lane leaning into the rear seat area, and picked up an object. Witness Long said Suspect Lane was making motions with his right hand as if he was loading shells into a shotgun. Witness Long said Suspect Lane made the movement two times, as if he loaded two shells into the underside of a shotgun.

Witness Long said he had drawn his duty weapon and was pointing it at Suspect Lane as he was standing beside Deputy Botten. Deputy Botten also had his duty weapon drawn and was pointing it a Suspect Lane. He said he was able to see the suspect's actions by looking through the driver's side window and the two front seats. Witness Long said as he stood to the rear and right side of Deputy Botten, he realized he was pointing his handgun over Deputy Botten's wrist. Witness Long pointed his handgun away from Deputy Botten.

When IAB investigators asked Witness Long if saw a shotgun at the time he saw Suspect Lane making the motions of loading a shotgun, he said he did not. He said once he heard Deputy Inthavong yell, "Gun, gun, gun!", he then saw Suspect Lane raising a long gun. Witness Long said he could see the barrel and the stock of the weapon, which he believed to be either a rifle or shotgun. Witness Long said he saw Deputy Inthavong still standing to the west of the SUV, who had his duty weapon drawn and pointing toward the suspect. Witness Long said at nearly a simultaneous moment, he heard Deputy Inthavong yell,

"Gun, gun, gun!" or "Gun, gun, drop the gun!", Deputy Inthavong began firing his handgun toward Suspect Lane. Witness Long said as the gunfire was occurring, he yelled out to Deputy Botten, "Shoot, shoot, shoot!", because he saw Suspect Lane armed with a weapon and was raising the barrel toward him (Witness Long) and Deputy Botten. Witness Long said he was afraid Suspect Lane would shoot both of them. Witness Long said he thought they were in a "life or death situation."

Witness Long said he saw Deputy Botten begin to fire his handgun toward Suspect Lane, who had jumped into the rear seats of the SUV. He believed Deputy Botten fired approximately four to six times. Witness Long said he knew they both needed to move behind cover instead of standing near the front of the SUV. He pulled on either Deputy Botten's gun belt or his back to guide him backwards into cover. Witness Long said he was not sure if Deputy Botten fired first, then they moved, or if they moved while Deputy Botten was shooting. He said they quickly walked backward, eastbound, and crouched behind a white compact vehicle that was parked nearest to the station's driveway.

Witness Long stated Deputy Botten found cover near the front of the white vehicle, near the engine block, while he crouched behind the truck area. He said it was at this point, he saw Witness Shue laying on the driveway, east of them. Witness Long said he saw several civilians running eastbound through the parking lot. He recognized them to be contract workers, who had been hired to conduct work on the station's communication system. Witness Long said as the civilians ran eastbound, he saw them pass Deputy Vance, who was near the entrance to the station. Witness Long said there was a lull in the gunfire after they moved to cover.

Witness Long said he looked back toward the SUV to see if Suspect Lane had moved from the rear seat, but he could not see since the vehicle's windows were tinted. When IAB investigators asked Witness Long if he knew where Deputy Inthavong was at the time both he and Deputy Botten were behind cover, he said Deputy Inthavong had moved to the passenger side of the large truck he had been standing by, but lost visual after that.

Witness Long stated he requested an AR-15 rifle to be brought to the scene, and he believed Witness Shue made the request with his portable radio. Witness Long said he heard someone voiced code "998" (radio code for deputy involved in a shooting) over the radio, and knew other units were responding. Witness Long stated that it was during this short lull in the gunfire, he heard a single loud gunshot come from within the SUV. At the same time, he saw the driver's side rear passenger window being shot outward, toward them. Witness Long said the shot was level and directly made in their direction. Witness Long stated he was confident the gunshot was from a shotgun. He recognized the difference in its loud sound as compared to the short, crisp sounds from a handgun.

Once Witness Long heard the single gunshot come from within the vehicle, he began to hear a steady succession of gunfire coming from the southern portion of the parking lot. Witness Long said he looked in that direction and saw Deputy Vance standing by a tree, near the front steps to the station, firing his handgun toward the SUV. He said Deputy Vance shot approximately six times, and each shot appeared to be controlled, aimed at the SUV's front windshield. Witness Long said after Deputy Vance shot, there were no more gunshots heard.

IAB investigators began to ask Witness Long questions about potential crossfire situations. Witness Long said at the time he and Deputy Botten were near the driver's side front wheel of the SUV, and Deputy Inthavong was standing to the west of the SUV, there was never a crossfire situation. At the time the shooting began, Deputy Botten shot in a northwestern direction while Deputy Inthavong shot in a northeastern direction. Witness Long said both of their backdrop was a solid concrete wall that was higher than the roofs of the nearby parked vehicles. Witness Long said after he and Deputy Botten took cover on the driver's side of the white vehicle, he believed they could have been in a crossfire situation if they, or Deputy Inthavong, began to shoot toward the SUV; however, neither of them shot in this position. Once Deputy Vance began to shoot, he was the furthest south from them and had a near straight line of sight into the front of the SUV. When Deputy Vance shot, he shot in a northern direction, between Deputy Inthavong on the west, and Witness Long and Deputy Botten on the east.

Witness Long said a helicopter from Aero Bureau arrived overhead and began to orbit at a low altitude. He said it was difficult to communicate with each other on the ground or with their portable radios. Witness Long stated he and both Deputy Botten and Witness Shue walked eastbound out of the parking lot. He said he and several deputies formulated a plan to extract Deputy Inthavong and Deputy Vance, who were still in the parking lot. Utilizing a patrol car and a ballistic shield, Witness Long said the patrol car was driven into the parking lot, providing cover for deputies who were walking along its side. Once they arrived to the western portion of the lot, Deputy Inthavong, who was standing on the passenger side of the gray truck, quickly walked to the patrol car. Witness Long said as the patrol car reversed and passed the entrance to the station, Deputy Vance also walked to the patrol car, and all were escorted out of the parking lot.

IAB investigators showed Witness Long a photograph of a shotgun retrieved from the scene, **[Exhibit E]**. When IAB investigators asked him if it was the shotgun he saw Suspect Lane manipulating and moving, he said it appeared consistent with what he saw. Witness Long said when Suspect Lane raised the barrel upward toward him and Deputy Botten, it was only a second or half a second in time. He said the barrel of the shotgun in the picture was consistent to what he saw.

IAB Note: **The shotgun recovered from the scene was examined by Senior Criminalist Anny Wu. She found one fired**

shotshell partially extracted from the chamber, and one unfired shotshell in the magazine tube. This was consistent to what Witness Long stated when he saw Suspect Lane making movements with his right hand, as if he loaded two shells into the underside of a shotgun. See Anny Wu's report, [Exhibit A, page 156].

Deputy Henry Shue

Witness Deputy Henry Shue was interviewed by IAB Sergeant Paul Valle and Sergeant Andy Ruiz on September 6, 2018 at the IAB offices. Deputy Shue was represented by attorney Sherry Lawrence.

Witness Shue stated on March 20, 2017, he was assigned to unit 52, beginning at [redacted] hours and ending at [redacted] hours. He said while he was in the 0700 hour briefing, Deputy Vance entered the briefing room and informed the group of deputies there was a male in the station lobby who had a warrant for his arrest. Deputy Vance also informed them the suspect (Suspect Lane) possessed some sort of police badge in his wallet, and he could possibly be armed with a weapon. Witness Shue said he, Witness Long, Deputy Inthavong, Deputy Botten, and Deputy Vance all walked toward the station lobby.

Witness Shue stated although he could not recall who came up with the plan to contact Suspect Lane, he remembered Deputy Inthavong was designated to be the lethal force option, while Deputy Botten would be the less lethal option since he was armed with a Taser.

Witness Shue said when they all entered the lobby, he was in the back of the line of deputies. He said he remembered Suspect Lane was inside the station, standing near the doors which led to the parking lot. Witness Shue said he heard Deputy Inthavong say, "Hey sir, can we talk to you real quick?" When Witness Shue looked toward Suspect Lane, he said he had a startled expression on his face, and immediately ran out of the doors and into the parking lot. Witness Shue said all the deputies, including himself, ran outside after Suspect Lane. Witness Shue said Suspect Lane took off his cowboy hat and tossed it toward them.

Witness Shue stated he believed Suspect Lane would run toward Las Tunas Drive to escape, but he did not. Suspect Lane sprinted in a northwest direction, across the parking lot toward a parked blue SUV vehicle. Witness Shue said he heard verbal commands and believed he heard, "Just stop, talk to us.", but he did not know who was saying them.

Witness Shue stated Deputy Inthavong was the closest one running behind Suspect Lane. Suspect Lane ran to the passenger side of the blue SUV and appeared to be trying to enter the vehicle. Witness Shue said he ran to the

parking spaces designated for the handicapped, on the southern portion of the parking lot. There, he could see Suspect Lane trying to get into one of the passenger side doors, and Deputy Inthavong standing near the front end of a gray truck, parked west of the SUV. Witness Shue said he heard Deputy Inthavong yell out to Suspect Lane several times, "Let me see your hands!" Immediately thereafter, Deputy Shue said Suspect Lane opened the rear passenger's side door, and reached inside.

When IAB investigators asked Witness Shue where Deputy Botten was at this point in time, he said Deputy Botten and Witness Long were standing near a white sedan, parked east of the SUV. Witness Shue did not know where Deputy Vance was at this point.

Witness Shue said when he heard Deputy Inthavong's command to see Suspect Lane's hands, and saw Suspect Lane reaching into the vehicle, he heard several gunshots. Witness Shue said he saw Deputy Inthavong firing his weapon, while he stood near the front of the gray truck, toward Suspect Lane. Witness Shue stated he immediately drew his firearm from his holster, and began to look for cover. While looking for cover, Witness Shue looked toward the radio towers and saw several civilian workers standing in the southwest portion of the parking lot. Rather than seek to get behind cover, Witness Shue elected to run towards the workers, and called out to them to direct them to safety. Once the workers ran toward him, Witness Shue said he pointed his handgun toward the direction of the SUV, and ran with the workers eastbound through the parking lot. They all ran along the southern planters and toward the station's lobby doors. Witness Shue said he heard continuous gunfire while he ran with the workers through the parking lot. He did not see who was firing. Witness Shue also heard someone yell out, "Shoot! Shoot! Shoot!" It was later he learned it was Witness Long who was yelled that command.

Witness Shue said once the workers ran into the station, he ran back toward the parking lot, and took a position on the eastern portion of the lot, in the driveway. He said he laid down on his stomach, behind a block wall which runs along the west side of the driveway. Witness Shue said when he ran from the front of the station to the driveway, he did not hear any gunfire; however, when he laid down on his stomach, he heard an additional two to three more gunshots. When IAB investigators asked Witness Shue where Deputy Botten and Witness Long were at this point in time, he said they were taking cover on the passenger side of a Jetta, parked on the eastern portion of the lot. Witness Shue said when he laid down, he realized Deputy Vance was standing behind a tree, near the front doors to the station.

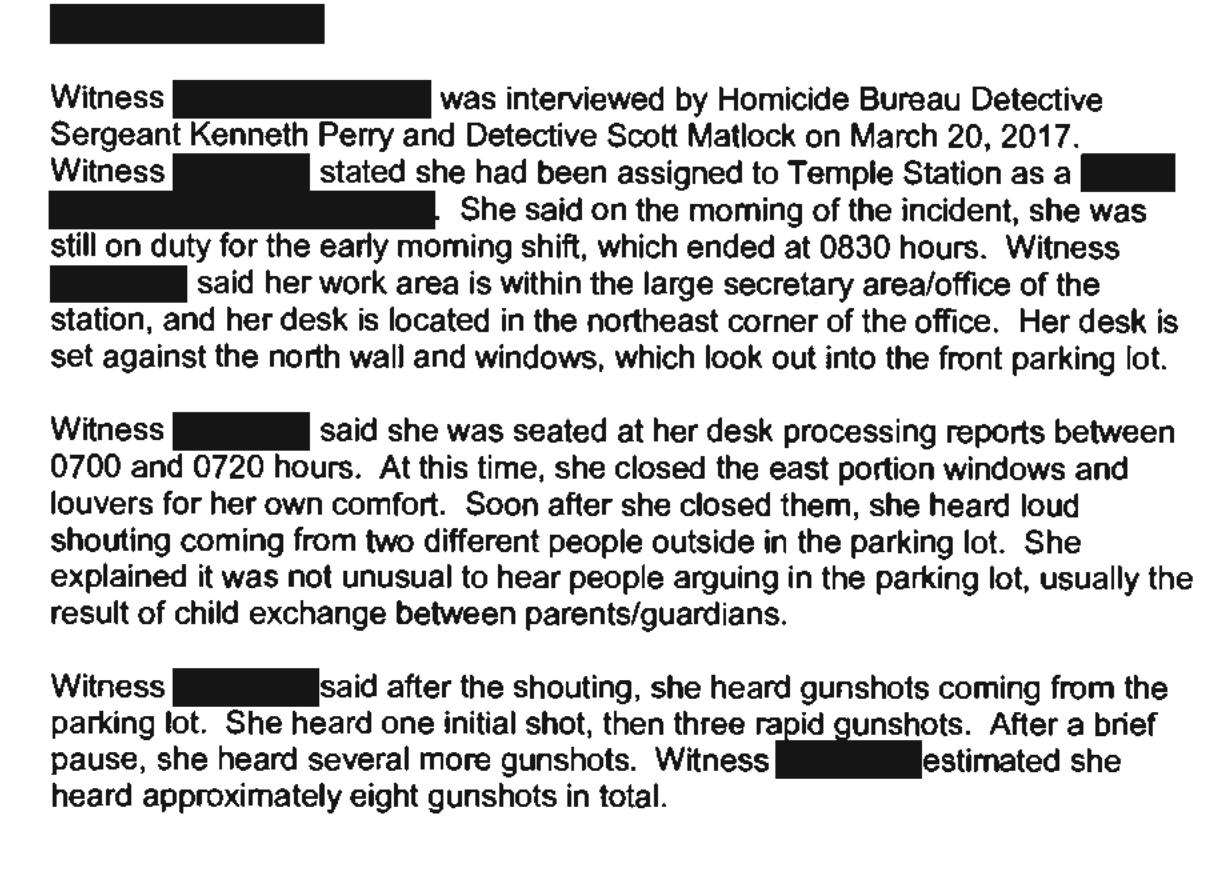
When IAB investigators asked Witness Shue if he saw anyone else fire their weapon, he said Deputy Vance, who was standing behind the tree, fired his weapon in a northern direction toward the SUV. When IAB investigators asked Witness Shue if he fired his weapon, he said he did not. Witness Shue said

when he initially saw Suspect Lane reach into the vehicle, from his angle he did not see a threat to use deadly force. When he ran to the driveway, he was still unable to see Suspect Lane, nor his actions. Witness Shue said when he was laying down on the driveway, both Deputy Botten and Witness Long were directly in front of him, therefore he would have never fired his weapon over them.

Witness Shue said once the gunfire ended, a helicopter from Aero Bureau arrived, and began orbiting at a very low altitude over the parking lot. He said it was very difficult to communicate with each other in the parking lot and over his portable radio. Deputy Shue said he advised SCC (Sheriffs Communication Center) dispatchers of the shooting and requested additional units to respond.

Witness Shue said a team was created to extract them from the parking lot. He said a patrol car drove into the lot and was used to provide cover and extract each deputy, including Deputy Inthavong on the west side of the lot.

IAB investigators asked Witness Shue if he saw a crossfire situation throughout the incident. He said when he, Deputy Botten, and Witness Long were on the east side of the lot, and Deputy Inthavong was on the west side, there could have been a crossfire situation if they began to shoot toward the SUV; however, they did not shoot while in this position. This was a period when there was a lull in the gunfire. Witness Shue said when Deputy Vance fired, he shot in a northern direction, and did not create a crossfire situation.



[redacted]

Witness [redacted] was interviewed by Homicide Bureau Detective Sergeant Kenneth Perry and Detective Scott Matlock on March 20, 2017. Witness [redacted] stated she had been assigned to Temple Station as a [redacted]. She said on the morning of the incident, she was still on duty for the early morning shift, which ended at 0830 hours. Witness [redacted] said her work area is within the large secretary area/office of the station, and her desk is located in the northeast corner of the office. Her desk is set against the north wall and windows, which look out into the front parking lot.

Witness [redacted] said she was seated at her desk processing reports between 0700 and 0720 hours. At this time, she closed the east portion windows and louvers for her own comfort. Soon after she closed them, she heard loud shouting coming from two different people outside in the parking lot. She explained it was not unusual to hear people arguing in the parking lot, usually the result of child exchange between parents/guardians.

Witness [redacted] said after the shouting, she heard gunshots coming from the parking lot. She heard one initial shot, then three rapid gunshots. After a brief pause, she heard several more gunshots. Witness [redacted] estimated she heard approximately eight gunshots in total.

Witness [redacted] said her co-worker, Witness [redacted] told her to get away from the window and to come to the southern portion of the office. Once she moved to the southern portion, a station lieutenant entered the office and directed all of the secretaries to move to the secretary supervisor's office for safety.

[redacted]

Witness [redacted] was interviewed by Homicide Bureau Detective Sergeant Kenneth Perry and Detective Scott Matlock on March 20, 2017. Witness [redacted] stated she had been assigned to Temple Station as a station clerk for the past two years. She said on the morning of the incident, she was still on duty for the early morning shift, which ended at 0830 hours. Witness [redacted] said her work area is within the large secretary area/office of the station, and her desk is located in the southwest corner of the office, near the copy room.

Witness [redacted] said while she was sitting at her desk, she heard loud voices coming from outside, in the parking lot north of the office. She was unable to discern what was being said or who was talking. Witness [redacted] said it was common to hear people arguing in the parking lot. She said the argument lasted approximately ten to fifteen seconds, then she heard several gunshots. Witness [redacted] said she heard approximately five to six gunshots in a rapid succession followed by a short pause, then three more shots followed by another short pause, and then one more gunshot.

Witness [redacted] said after hearing the first two volleys, she stood up from her desk and looked north, through the north windows of the office and toward the parking lot. She recognized one deputy, Deputy Botten, standing in the middle of the parking lot with one or two other deputies. She also saw another deputy standing near a parked truck in the northwestern portion of the lot. She did not recognize this deputy; however, she saw he was taking cover alongside the passenger side of the truck, and pointing his handgun in an eastward direction.

Witness [redacted] stated she became concerned for her safety and those of her coworkers. She called out to Witness [redacted] who was seated near the north facing windows, to come to the south side of the office. Once Witness [redacted] walked over to the south side, Witness [redacted] said they both quickly walked into their supervisor's office (Witness [redacted] on the southeast portion of the office. Witness [redacted] said once they took cover inside the office, she heard one more gunshot coming from the parking lot, then nothing more.

Witness [redacted] said she and her coworkers remained in the supervisor's office until a deputy escorted them out for safety. She said she never saw any deputy or any other person actually fire a gun.

[redacted]

Witness [redacted] was interviewed by Homicide Bureau Detective Sergeant Kenneth Perry and Detective Scott Matlock on March 20, 2017. Witness [redacted] stated she had been assigned to Temple Station as a station supervising clerk for the past twelve years. She said on the morning of the incident, she began her shift at 0500 hours.

Witness [redacted] said her work area is within the large secretary area/office of the station. She has a small enclosed office in the southeastern portion of the office. Witness [redacted] stated while she was seated at her desk in her office, she heard loud noises she believed to be gunshots, coming from the mobile range. Immediately following the initial shots, Witness [redacted] heard several more shots in a rapid succession. She said she heard a voice speaking over the station's public address system, telling people to get down. Witness [redacted] stated she immediately got down to the floor and began telling her coworkers to come into her office for safety. She said Witness [redacted] Witness [redacted] and Witness [redacted] came into her office. Witness [redacted] stated they all remained in her office until a deputy escorted them out of the secretary area. Witness [redacted] said she never heard anyone arguing or saw anyone shooting.

[redacted]

Witness [redacted] was interviewed by Homicide Bureau Detective Sergeant Kenneth Perry and Detective Scott Matlock on March 20, 2017. Witness [redacted] stated he had been assigned to Temple Station as a station clerk for the past sixteen years. He said on the morning of the incident, he began his shift at 0530 hours. Witness [redacted] said his work area is within the large secretary area/office of the station, and his desk is located in the southeast corner of the office, near the supervisor's office.

Witness [redacted] said he was standing at the secondary copier, outside of the copy room, and heard several loud "bangs" coming from the parking lot, north of the office. He said he looked out the north windows and saw several deputies in the parking lot "scattering" toward the lobby doors. Witness [redacted] said he realized the "bangs" he heard were gunshots. He then heard someone talking on the station's public address system say, "Everyone get down, 998 in the front parking lot!"

Witness [redacted] heard his supervisor, Witness [redacted] call out to him and his coworkers to come into her office for safety. Once he quickly moved into her office, he heard another burst of gunfire coming from the parking lot. Witness [redacted] said he remained in the supervisor's office until they were escorted out by a deputies.

Witness [redacted] said he did not see any of the deputies in the parking lot shoot their guns. He admitted he has poor distance vision, and although he recognized the deputies to be in uniform, he was unable to identify any of them.

EMPLOYEES STATEMENTS

Deputy Scott Inthavong

Involved Employee Deputy Scott Inthavong was interviewed by Homicide Bureau Detectives Louie Aguilera and Marc Boisvert at Temple Station on March 20, 2017, at 1416 hours. The interview was digitally audio recorded. For a summary of the interview, refer to **[Exhibit A, pages 56-57]**. For the audio recording, refer to, **[Exhibit F]** and for the transcripts, see Deputy Inthavong's transcribed Homicide Bureau interview.

Deputy Inthavong was interviewed on September 11, 2018, at 0959 hours by Internal Affairs Bureau Sergeants Paul Valle and Israel Renteria. The interview took place at the Internal Affairs Bureau office and was digitally audio recorded. Deputy Inthavong was represented by Sherry Lawrence from the law offices of Rains Lucia Stern.

Deputy Inthavong stated on March 20, 2017, he was assigned as unit 55 days. His shift began at [redacted] hours and ended at [redacted] hours. He was a one man car. Deputy Inthavong stated that morning, he was in the station's briefing room, being briefed before his shift began. He said Deputy Vance entered the room and informed him of a male (Suspect Lane) in the station's lobby, who had a felony warrant for his arrest. Deputy Vance also informed him Suspect Lane had a SWAT badge in his wallet. Deputy Inthavong said it caused him concern Suspect Lane could be in possession of a weapon since he had a badge of some sort.

Deputy Inthavong said he volunteered to assist and arrest Suspect Lane. He walked to the front of the station with Witness Long and Deputy Vance. When he arrived near the interior lobby door, he met Deputy Botten, and informed him of their plan to arrest Suspect Lane. Deputy Botten also volunteered to assist. When IAB investigators asked Deputy Inthavong if they developed a plan before contacting Suspect Lane, he said he did not recall. He said before they entered the lobby, Deputy Vance provided them a description of what Suspect Lane looked like and what he was wearing.

Deputy Inthavong said when he entered the lobby through the interior door, he did not see anyone who matched the description given. When he looked out through the glass doors of the lobby, he saw a male (Suspect Lane), who matched the description. Suspect Lane was standing outside the station doors, leaning up against the exterior wall bearing the Department's emblem and station

name. Deputy Inthavong said he notified his fellow deputies he located Suspect Lane and walked outside. He said he walked directly up to Suspect Lane and asked him if his name was "Andrew Lane".

Deputy Inthavong said when he initially contacted Suspect Lane, Suspect Lane began to backing away from him. Deputy Inthavong stated he attempted to grab a hold of Suspect Lane's left arm because he had a knife in his pocket. Deputy Inthavong said he did not make physical contact with Suspect Lane because he quickly pulled away and ran away. He said Suspect Lane ran in a northwestern direction, across the parking lot. Deputy Inthavong said he immediately began to chase Suspect Lane across the lot and stayed approximately five feet behind him. When IAB investigators asked Deputy Inthavong if he gave Suspect Lane any commands when he was chasing him, he said he told Suspect Lane, "Stop running." He said the chase only lasted "seconds." When IAB investigators asked Deputy Inthavong if he informed SCC he was involved in a foot pursuit, he said he did not, and that it occurred so fast he did not have enough time. Deputy Inthavong described Suspect Lane was in a full sprint, running away from him across the parking lot.

When IAB investigators asked Deputy Inthavong if he ever yelled out, "tase him", he said he did not, nor recalled if he ever heard anyone make that statement. Deputy Inthavong said he did not chase Suspect Lane with either his handgun or Taser drawn.

Deputy Inthavong said Suspect Lane ran directly to the passenger side of a blue SUV parked in the northwestern portion of the lot. He said Suspect Lane immediately opened the rear passenger side door. Deputy Inthavong said he stopped running and stood on the passenger side of the SUV, near the engine block. Deputy Inthavong said it did not appear Suspect Lane was attempting to flee by driving away. Deputy Inthavong said he was afraid Suspect Lane would arm himself with something to hurt either him (Deputy Inthavong) or his partners. He believed if Suspect Lane had attempted to flee, he would have entered the SUV through the driver's door, and not the rear passenger door.

Deputy Inthavong said after Suspect Lane opened the rear passenger side door, he stood outside of the SUV and reached into the rear seat compartment of the vehicle. Deputy Inthavong stated he drew his handgun from his holster, pointed it at Suspect Lane, and commanded to see his hands. He said he ordered Suspect Lane, "Show me your hands" twice. Deputy Inthavong said he believed his partners were close by, and he (Deputy Inthavong) began yelling out, "He's reaching for something!" twice.

When IAB investigators asked Deputy Inthavong if he could see what Suspect Lane was reaching for, he said he could not. Deputy Inthavong said he was able to see some of Suspect Lane's actions between the rear passenger door window frame and the frame of the vehicle. He said at one point, he saw Suspect Lane

raise a metal object from within the vehicle and believed it to be either a shotgun or some type of a firearm. Immediately thereafter, Deputy Inthavong said he heard someone yell out, "Gun!", and believed he heard Witness Long yell, "Shoot! Shoot! Shoot!", but was not entirely sure Witness Long was the one who said it. Deputy Inthavong stated he shot his firearm six to eight times through the passenger door, toward the direction where Suspect Lane's torso would be. Deputy Inthavong said he saw Suspect Lane dive headfirst into the rear passenger area of the vehicle. He added when he fired into the passenger door, he believed his bullets closed the door. Deputy Inthavong said he shot toward Suspect Lane because he was afraid Suspect Lane would hurt either him or his partners.

Deputy Inthavong said after he shot his first volley of six to eight shots, he could see Suspect Lane moving around inside the rear seat area. He also could see two deputies running eastbound, away from the SUV. Deputy Inthavong said he began to walk backwards toward a large gray truck, parked just to the west of the SUV. He said he could still see Suspect Lane moving inside the SUV, and was afraid Suspect Lane would shoot either him (Deputy Inthavong) or his partners from within the vehicle. Deputy Inthavong began to shoot a second volley into the vehicle, toward Suspect Lane.

Deputy Inthavong said while he was shooting his second volley, he was walking backwards, westbound, away from the vehicle to seek cover behind the truck. He described his rate of fire to be a controlled steady rate. Deputy Inthavong said he continued to shoot until he emptied his handgun, and conducted a magazine exchange with a fully loaded magazine at the front of the truck. When IAB investigators asked Deputy Inthavong if knew where the other deputies were at this point, he said he did not. When IAB investigators asked him if he heard any other gunshots other than his, he said he did not hear any other gunshots until he took cover behind the truck. After he conducted the magazine exchange, he heard one loud gunshot, then immediately followed by a volley of gunshots. Deputy Inthavong said he believed the louder gunshot was either from a rifle or a shotgun. He said he did not hear any other gunfire after that.

Deputy Inthavong said he remained behind the truck for cover. He looked underneath the truck to see if Suspect Lane's feet would emerge from the SUV. He said while he waited behind the truck, he heard Deputy Botten yell out to him to see if he was okay; however, it was difficult to hear anything. When IAB investigators asked Deputy Inthavong if he communicated with SCC at any time, he said he voiced over his portable radio, "998 at Temple Station" when he took cover behind the truck.

When IAB investigators asked Deputy Inthavong when the gunfire had subsided, if he saw any of his partners, he said he only saw Deputy Vance standing behind a tree near the station lobby doors. He said he did not see Deputy Vance fire his handgun, but only pointing it toward the SUV from behind the tree.

Deputy Inthavong said other deputies had created a team to extract him from behind the truck. A patrol car was driven into the parking lot and three deputies with ballistic shields ran toward him. The deputies escorted him out from behind the truck and to the patrol car. Deputy Inthavong walked along with the patrol car, and out of the parking lot.

IAB Note: **During Deputy Inthavong's IAB interview, he stated he saw Suspect Lane holding onto a metal object, which he believed to be either a rifle or a shotgun. When IAB investigators asked him if he informed Homicide Bureau detectives of his observation during his interview on the day of the shooting, he said he believed he did. IAB investigators reviewed the audio recording and read the transcripts to Deputy Inthavong's Homicide Bureau interview and could not find where he mentioned he had seen Suspect Lane holding onto a metal object that resembled a weapon.**

Deputy Nathan Botten

Involved Employee Deputy Nathan Botten was interviewed by Homicide Bureau Detectives Louie Aguilera and Marc Boisvert at Temple Station on March 20, 2017, at 1450 hours. The interview was digitally audio recorded. For a summary of the interview, refer to **[Exhibit A, pages 57-59]**. For the audio recording, refer to **[Exhibit F]** and for the transcripts, see Deputy Botten's transcribed Homicide Bureau interview transcripts.

Deputy Botten was interviewed on October 17, 2018, at 1020 hours by Internal Affairs Bureau Sergeants Paul Valle and Israel Renteria. The interview took place at the Internal Affairs Bureau office and was digitally audio recorded. Deputy Botten was represented by Sherry Lawrence from the law offices of Rains Lucia Stern.

Deputy Botten stated on March 20, 2017, he was assigned as unit 55, during the early morning shift. His shift began on March 19, 2017, at [redacted] hours and ended on March 20, 2017, at [redacted] hours. Deputy Botten said at approximately 0700 hours, he was in the watch sergeant's office when he overheard Deputy Inthavong and Deputy Vance talking just outside the office about arresting a male in the lobby. Deputy Botten stepped outside and volunteered to assist them with the arrest.

Deputy Botten said Deputy Vance informed him the male (Suspect Lane) in the lobby had warrants for his arrest regarding [redacted] and was wanted by the LAPD. Deputy Vance said Suspect Lane possessed a badge in his wallet, which lead him (Deputy Vance) to believe Suspect Lane could be armed with a

weapon. Deputy Botten recalled Witness Long being amongst them before they walked into the lobby to contact Suspect Lane. When IAB investigators asked Deputy Botten if Witness Shue was also part of the group, he said he did not know Witness Shue was there until he saw him in the parking lot, toward the end of the shooting.

Deputy Botten said a plan was quickly formulated where Deputy Inthavong would make the initial contact, and Deputy Botten and Witness Long would be his back up. Deputy Botten said when they walked into the lobby, they did not see Suspect Lane. He was standing outside the lobby doors, leaning on an exterior wall bearing the Department's name and emblem. Deputy Botten said Suspect Lane immediately became defensive and said, "What is this about?" Deputy Botten said he heard Deputy Inthavong tell Suspect Lane, "Hey, man, I need you to turn around and put your hands behind your back."

Deputy Botten said Suspect Lane stepped away from Deputy Inthavong and ran in a northwestern direction across the parking lot. Deputy Botten said Deputy Inthavong was running approximately five feet behind Suspect Lane and he (Deputy Botten) was running approximately five feet behind Deputy Inthavong. Deputy Botten said Witness Long was running beside him, and Deputy Vance was behind them. Deputy Botten said he saw Suspect Lane run to the northwestern corner of the parking lot, behind parked cars.

Deputy Botten said he ran to the front of a blue SUV, on the driver's side, in order to cut Suspect Lane's path if he turned around and ran eastbound. Deputy Botten said he saw Suspect Lane run to the passenger side of the SUV, and immediately open the rear passenger's side door. Deputy Botten saw Suspect Lane get into the rear seat area of the SUV, and believed he would attempt to drive away. Deputy Botten opened the driver's door and partially leaned into the SUV, preventing Suspect Lane from occupying the driver's seat. He said he placed his left knee on the driver's seat while his right foot was placed on the ground outside. When IAB investigators asked Deputy Botten where Deputy Inthavong was at this point, he said he saw him standing on the passenger side of the SUV, in line with him (Deputy Botten).

Deputy Botten said Suspect Lane was lying across the back seat. Suspect Lane's head was pointing east, and his feet were pointing west. Suspect Lane was facing south, looking toward Deputy Botten. Deputy Botten said it was dark inside the SUV and he could not see where Suspect Lane's hands were. He said he ordered Suspect Lane to show his hands and told him, "Show me your hands."

Deputy Botten said as he was looking for Suspect Lane's hands, he looked down toward the floorboard between the front and rear seats, and saw the stock of either a rifle or a shotgun laying on the floorboard. Deputy Botten said he saw the stock begin to move, as if it was being handled by Suspect Lane. Deputy

Botten stated at this point, he heard Deputy Inthavong yell out that Suspect Lane was reaching for something. Deputy Botten said while he was still kneeling on the driver's seat, he heard Deputy Inthavong begin shooting into the rear passenger compartment of the SUV. Deputy Botten said he felt small pieces of "shrapnel" like items hitting him all about his body and his face. He immediately exited the SUV and moved to the front of the SUV, near the driver's side headlight.

Deputy Botten said while he looked through the SUV's front windshield, he saw the barrel of a long rifle, between the two front seats. It appeared to him Suspect Lane was moving it about as if it was stuck on something inside the SUV. The barrel was moving back and forth. Deputy Botten stated he yelled out to his partners, "Gun!" At one point, Deputy Botten made eye contact with Suspect Lane, who was still in the back seat. Deputy Botten stated Suspect Lane began to point the barrel toward him, taking aim at him. Deputy Botten said he was afraid either he, his partners, or civilians would be shot. Deputy Botten said he aimed his handgun at Suspect Lane's head, and shot three times through the front windshield. Deputy Botten moved eastward to a white vehicle, parked east of the SUV, to change positions. Deputy Botten said he saw Deputy Inthavong, standing west of the SUV, near the front of a large gray truck. As Deputy Botten was moving away from the SUV, he continued to hear gunfire.

Deputy Botten said when he stood to the rear of the white vehicle parked east of the SUV, he saw Suspect Lane begin to aim the barrel again in his direction. Deputy Botten said he was afraid either he or his partners would be shot. Deputy Botten said he needed to stop the threat and shot an additional three times through the driver's door window, aiming at Suspect Lane's head. He said it was at this point he realized Witness Long was by his side, while he was standing near the white vehicle. Immediately after he shot the second volley, Deputy Botten said he saw the driver's side, rear window being shot outward. He said he felt the heat of the blast, and the glass and shrapnel hit his body. Deputy Botten said he also felt a bullet pass his head when the rear window was shot outward. Both he and Witness Long immediately took cover behind another white vehicle, which was parked furthest east in the lot.

Deputy Botten said while he was moving to the white vehicle, he heard additional gunfire, but did not know who was shooting. When both he and Witness Long took cover behind the vehicle, Deputy Botten conducted a tactical reload, replenishing his firearm, and placed the original magazine into his pants pocket.

When IAB investigators asked Deputy Botten what his rate of fire was when he shot both volleys, he said they were both shot in a controlled and steady manner, and said, "...it wasn't rapid, but it was quick." He said he conducted a reset of his trigger in between the two volleys.

Deputy Botten said when he took cover behind the white vehicle, he looked to the south of the parking lot and saw Deputy Vance taking cover behind a tree near the front of the station. When IAB investigators asked Deputy Botten if he ever saw Deputy Vance shoot, he said he did not. Deputy Botten said at this point, when the gunfire subsided, he heard Witness Shue communicating on his portable radio. Deputy Botten said it was at this point he realized Witness Shue was there in the parking lot.

Deputy Botten stated an Aero Bureau helicopter arrived overhead and informed him both he and Witness Long could walk eastbound, out of the parking lot for safety. Deputy Botten said when he and Witness Long walked toward the station's main driveway, he saw Witness Shue laying on the ground, behind a low wall for cover. He assisted Witness Long and Witness Shue walk out of the scene.

Once out of the parking lot, Deputy Botten said he and Witness Long, along with other deputies, drove a patrol car into the lot, to extract Deputy Inthavong and Deputy Vance. Deputy Botten said he utilized a ballistic shield and walked behind the patrol car, until they got close to extract Deputy Inthavong. As they drove out of the parking lot, Deputy Vance joined them behind the patrol car as it drove out onto Las Tunas Drive.

When IAB investigators asked Deputy Botten if there was a crossfire situation at any time during the shooting, he said there was not. Deputy Botten said when he was partially inside the SUV and Deputy Inthavong began to shoot, Suspect Lane was never in between them. Suspect Lane was in the back seat while Deputy Botten and Deputy Inthavong were in line with the front seats of the SUV. Deputy Botten said when he shot his two volleys, he was several feet away from Suspect Lane and still in line with Deputy Inthavong, creating a triangular positioning.

IAB Note: **Before ending the interview, IAB investigators showed Deputy Botten a photograph of the shotgun retrieved from the scene, [Exhibit E]. He said it appeared to be the long gun he saw Suspect Lane holding. He said the color of the stock and the bulge at the tip of the barrel were consistent to what he saw Suspect Lane holding while in the back seat of the SUV.**

Deputy Brian Vance

Involved Employee Deputy Brian Vance was interviewed by Homicide Bureau Detectives Louie Aguilera and Marc Boisvert at Temple Station on March 20, 2017, at 1325 hours. The interview was digitally audio recorded. For a summary of the interview, refer to **[Exhibit A, pages 54-56]**. For the audio recording, refer

to, **[Exhibit F]** and for the transcripts, see Deputy Vance's transcribed Homicide Bureau interview.

Deputy Vance was interviewed on September 11, 2018, at 1126 hours by Internal Affairs Bureau Sergeants Paul Valle and Israel Renteria. The interview took place at the Internal Affairs Bureau office and was digitally audio recorded. Deputy Botten was represented by Sherry Lawrence from the law offices of Rains Lucia Stern.

Deputy Vance stated on March 20, 2017, he was assigned to Temple Station as the 290 Sex Registrant Deputy. He said that morning, he arrived late to the station at approximately 0700 hours. He said his shift normally begins at [redacted] hours and ends at [redacted] hours.

Deputy Vance stated when he arrived to the station, he immediately walked to the station's front counter, in the lobby, to contact the scheduled registrants. Deputy Vance said he normally would have changed into his class "A" uniform, and wear his firearm in a holster before beginning his shift; however, he elected to immediately make contact with the scheduled registrants in the lobby, rather than make them wait longer. Deputy Vance stated he wore his civilian clothes and kept his duty weapon tucked in the front of his waistband, in a holster. He also said his Department identification and badge were in his pants pocket.

IAB Note: Deputy Vance was shown a photograph of himself, which was taken after the shooting. He stated it correctly depicted what he was wearing that morning and how his weapon was kept in his waistband. To view the image, see the photograph with Deputy Vance's interview transcripts.

Deputy Vance stated he had been assigned as the 290 Sex Registrant Deputy for two years. He said between December 2016 and January 2017, he was contacted by Los Angeles Police Department Detective Montano. Detective Montano informed Deputy Vance he was investigating Suspect Lane for committing some [redacted] Detective Montano asked for Deputy Vance's assistance to use a rouse to have Suspect Lane come to Temple Station and have his photograph taken as part of his sex registration. Detective Montano intended to detain and or arrest Suspect Lane if he responded to Temple Station; however, Suspect Lane never responded. Afterward, Detective Montano informed Deputy Vance he would seek an arrest warrant at a later time.

Deputy Vance said when he contacted Suspect Lane at the counter on March 20, 2017, he introduced himself as a deputy sheriff and asked to see his identification. Deputy Vance said when Suspect Lane opened his wallet, he saw a security badge inside. Deputy Vance stated he asked to see Suspect Lane's

badge and identification. When he inspected it more closely, Deputy Vance saw the badge had the words "Security Officer" on it, but the identification card had the word "SWAT officer" on it.

Deputy Vance said he remembered Detective Montano had been investigating Suspect Lane and that he mentioned he would file a warrant for his arrest. Deputy Vance said he left the front counter and logged onto a Department computer to search if Suspect Lane had indeed had a warrant for his arrest. Deputy Vance said he discovered Suspect Lane had a forty thousand dollar felony arrest warrant. Deputy Vance called Detective Montano's police station, but he was unable to make contact with him. Deputy Vance said he elected to see if any Temple Station deputies would want to make the arrest.

Deputy Vance stated he knew deputies would be in the [redacted] hour briefing, and entered the briefing room at approximately [redacted] hours. He said he explained to the deputies of the warrant subject in the lobby. Deputy Inthavong immediately volunteered and said he would make the arrest. Witness Shue and Witness Long also volunteered to assist. Deputy Vance said he described what Suspect Lane looked like, informed them of his observations of the badge and identification, and his concern Suspect Lane could be armed with a weapon.

Deputy Vance said he, Deputy Inthavong, Witness Shue, and Witness Long walked toward the front of the station. He said just as they were about to walk into the lobby, Deputy Botten also volunteered to assist. When IAB investigators asked Deputy Vance if he informed Deputy Botten of the same observations and concerns he provided the others, he said he did.

Deputy Vance said when they all walked into the lobby from the interior door, Deputy Vance was the last in the line of deputies. He said he saw the deputies turn toward the lobby doors and exit into the parking lot. Deputy Vance stated he saw Suspect Lane leaning up against a wall, which bore the Department's name and emblem. He recalled Deputy Inthavong was in the front of the line, and made contact with Suspect Lane. Although he could not hear what was being said, Deputy Vance heard Deputy Inthavong say something to Suspect Lane. Suspect Lane immediately turned away and ran across the parking lot, in a northwestern direction, toward a blue SUV. Deputy Vance said he saw Deputy Inthavong, Deputy Botten, Witness Shue, and Witness Long all chase after Suspect Lane into the parking lot.

Deputy Vance said he did not follow Suspect Lane, nor the group of deputies. He remained on the steps to the station lobby and observed from there. He said he heard someone yell out commands to Suspect Lane to stop running. Deputy Vance could not remember what the exact commands were, but he knew they were trying to get Suspect Lane to stop running.

Deputy Vance said he saw Suspect Lane run to a blue SUV, parked in the northwestern portion of the lot, and immediately ran to the passenger side. Deputy Vance saw Deputy Inthavong stand near the front of the SUV, on the passenger side, and then saw Suspect Lane begin to enter the vehicle. Deputy Botten stood near the front of the SUV, slightly east, while Witness Long stood behind a white vehicle, parked east of the SUV. Witness Shue stood near the center of the parking lot. Deputy Vance stated he heard Deputy Inthavong yell out, "He's reaching for something!" He also heard Witness Long yell out, "Shoot! Shoot! Shoot!" Deputy Vance said at this point, he began to hear gunfire.

Deputy Vance stated he saw Deputy Inthavong shooting his firearm in a northeast direction, toward the passenger side of the SUV. He saw Deputy Botten shooting his firearm in a northwest direction, toward the SUV's front windshield. Deputy Vance said Deputy Inthavong moved westbound and took cover behind a gray truck, parked west of the SUV. Both Deputy Botten and Witness Long took cover on the passenger side of a white vehicle, parked east of the SUV. Deputy Vance saw Witness Shue move behind a planter, on the east portion of the parking lot, and laid down on the driveway. Deputy Vance stated he ran behind a tree, in the planters on the south portion of the parking lot.

Deputy Vance said he saw several civilian construction workers standing in the southwestern portion of the parking lot. He called out to them to run eastbound, toward the front of the station. He saw them run passed him and into the lobby for safety. Deputy Vance said he drew his attention back to the SUV, heard a loud gunshot, and saw the driver's side window shatter outward. Deputy Vance believed Suspect Lane was shooting from within the SUV toward him (Deputy Vance), Deputy Botten, Witness Long, and or Witness Shue. Deputy Vance said he shot into the SUV, toward where Suspect Lane would have been inside, to stop him from shooting. He believed his life and the lives of his partners were in immediate danger of great bodily injury or death. Deputy Vance said he shot three to four times through the driver's side front window and driver's side rear passenger window, toward the rear passenger seat where he believed Suspect Lane to be shooting from.

Deputy Vance said after the gunfire ended, he yelled out, "Andrew Lane, show us your hands. Please show us your hands. You're not going to get medical attention until you show us your hands that you don't have a weapon." **[Refer to Deputy Vance's IAB interview transcripts, page 24]**

Deputy Vance said once an Aero Bureau helicopter arrived overhead, it was very difficult to communicate with anyone in the parking lot. Eventually, a patrol car was driven into the parking lot with deputies walking behind it for cover. The patrol car was first driven to the west portion of the lot, to extract Deputy Inthavong, who was still behind the gray truck. When the patrol car drove backwards out of the lot, Deputy Vance walked away from behind the tree and was extracted behind the patrol car as well.

When IAB investigators asked Deputy Vance if he had seen a crossfire situation at any time during the shooting, he said he did not. He saw both Deputy Inthavong and Deputy Botten shooting in a northern direction, toward the suspect. Suspect Lane was never in between them, which would have caused a crossfire.

IAB Note: Toward the end of Deputy Vance's interview, he examined in greater detail the photographs that were presented to assist him recall the accounts of the incident. Deputy Vance remembered the positions of Deputy Botten and Witness Long differently. He said Deputy Botten and Witness Long did not take cover behind the white vehicle directly east of the SUV, but rather behind the second white vehicle, east of the SUV.

SUSPECT STATEMENT

Andrew Lane (deceased)

WITNESS INTERVIEWS

WITNESS [redacted]

WITNESS INTERVIEW:

[redacted]

Perry: Yeah, I got it. Okay. On tape. Sergeant Perry. It is 1340 hours on March 20th and this is a DIS investigation. The sheriff's file number is 017-03249-0522-013. At Temple Sheriff's Station. Present are myself, Detective Scott Matlock from Sheriff's Homicide, and our witness at this time is [redacted]

[redacted] Yes.

Perry: And [redacted] your birthday is [redacted]

[redacted] Yes.

Perry: And is this, just showing you a list of, list of information we've got. Is this your correct phone number?

[redacted] Yes.

Perry: And is this where you currently reside?

[redacted] Yes. In [redacted]

Perry: Okay.

Valle: Can we get that last name again?

Perry: Yeah. [redacted]

Valle: Thanks.

Perry: And, I'm sorry, just for the record. Sergeant Anthony Easter and –

Valle: Sergeant Paul Valle.

Perry: Paul Valle.

Valle: Of Internal Affairs Bureau.

Perry: Paul Valle. Both from Internal Affairs Bureau. Okay. [redacted] this morning you came to Temple Station. You had some business to conduct?

[redacted] Yeah.

Perry: Yeah. Did you drive here? Walk here?

[redacted] Actually I got dropped off so --

Perry: Okay.

[redacted] I got dropped off and --

Perry: Do you know about what time you got here?

[redacted] Around 7:00.

Perry: Okay.

[redacted] I want to say it was like around 7:00. Maybe a little earlier.

Perry: Did you, was there an appointment time or was there some --

[redacted] No. Well, it's usually like -- to do list. Things I had to get taken care of. It's usually Mondays or like Tuesdays and Thursdays. It has to be in the morning from like, like 7:00 to like 9:00.

Perry: And that's their schedule here?

[redacted] Yeah. It's like their schedule here.

Perry: At Temple Station?

[redacted] Yeah.

Perry: Okay. And just, just to be on the up and up you're [redacted] and you're [redacted] --

[redacted] Yeah.

Perry: -- court order and being on the up and up and all that stuff.

[redacted] Yeah.

Perry: Okay. When you got here, you got dropped off. Did you walk into the lobby?

[redacted] Yeah.

Perry: Was there anybody else? Any other civilians in the lobby --

[redacted] Well --

Perry: -- when you got there.

[redacted] I've seen like a few, like three Hispanics, in there and then like later like some, I went outside and I smoked a cigarette and I see some lady coming in arguing on the phone to someone. I, I've seen them before. I've seen her like last week. She came -- or last month. I can't remember when I came, but she was here before, I guess, picking up her kid or something like that.

Perry: Okay. You, you come here once a month or --

[redacted] Once a month.

Perry: Okay.

[redacted] Yeah.

Perry: About the same time?

[redacted] Around the same time. Yeah.

Perry: Usually the same faces are here in the moming at that time?

[redacted] Most of the time for the most part. It's kind of like the same people a month.

Perry: Okay.

[redacted] It's nothing really different.

Perry: Okay.

[redacted] Um --

Perry: So you go into the lobby?

[redacted] Yeah.

Perry: Yeah.

[redacted] Kind of just went in, you know. I was tired and I crashed out. I woke up. And I went to figure out what's going on with Vance and --

Perry: You went, you crashed out in the lobby?

[redacted] Yeah. Like in the lobby, like inside. I kind of like nodded off.

Perry: Just like on, were you sitting in one of the chairs or --

[redacted] Yeah. Like one of the chairs --

Perry: Okay.

[redacted] -- and I just nodded off.

Perry: Okay.

[redacted] And then, and oh, I tried to figure out what was going on with Vance and then --

Perry: Vance is the detective --

[redacted] Yeah. The detective --

Perry: -- or the deputy that was --

[redacted] -- that takes care of --

Perry: Okay.

[redacted] -- of my situation. So now I'm trying to figure out where he was at. He came out. I talked to him. I gave him my I.D. I went outside. I smoked a cigarette. I seen some guy come up. He had like a cowboy hat on. I heard someone make a remark of a cowboy hat. And then --

Perry: Had you seen that guy before with the cowboy hat?

[redacted] No. I never seen him before. This was the first time seeing him.

Perry: Did you see what kind of -- did he, did he walk in from the street? Did you see him park a car or --

[redacted] I, I seen him park a car. Well, I didn't see him park the car. I seen him go to a car because he came back with a pack of cigarettes or something. I guess, I was smoking a cigarette and seen him he's kind of watching me and he walked to his car.

Perry: Okay.

[redacted] But he walked inside and then walked to his car. Then walked back and then at that time he smoked his cigarette and I was already done with mine so I went in. And then I wasn't like in the main like in the lobby, but like on the side. Like where the restrooms are at there's like a little --

Perry: Uh-huh.

[redacted] -- room. So I --

Perry: So he walked in the door to the left?

[redacted] Yeah. It would be on to the left.

Perry: Okay.

[redacted] So there's like a little like hallway. So I just sat in the booth and then I heard that girl like complaining to some, I guess, it was a guy like she was all well, I feel unsafe or something like that.

Perry: This is the girl talking. Like a custody --

[redacted] It was the girl --

Perry: -- drop off or something or like that?

[redacted] Yeah. Like a custody thing.

Perry: Like a child exchange thing?

[redacted] Yeah. It was something like that. So I heard, I heard that kind of commotion and I kind of just like what, like what's going on, but I paid no mind to it.

Perry: Uh-huh.

[redacted] Then out of nowhere I just heard gunshots going off and then at first I was like what the hell is going on. I thought it was like, like a joke, you know?

Perry: Uh-huh.

[redacted] And then -- yeah. I just see all the deputies running in and then people are like coming to the side like where I was at. Obviously, it's none of my business so I just kind of keep my head low.

Perry: Okay. You got dropped -- I'm just going to kind of run through it again. You got dropped off. You walk in, right? To the lobby. Kind of started your business here waiting for Detective Vance. You went back out to smoke, right?

[redacted] Yeah.

Perry: Were you just like just outside the door or were you out in the parking lot?

[redacted] Yeah, yeah. No. Outside the door. Like you know how there's a little --

Perry: Like before the steps or at the steps?

[redacted] Yeah. Before the steps. You know how like there's that little walkway?

Perry: Yeah.

[redacted] Drop down. I was just right there kind of like sitting on the --

Perry: So you go out the door to the right?

[redacted] Yeah. It's the door to the right and I was just maybe like ten, five feet away from the door.

Perry: Okay. And at some point where you're sitting there the guy with the cowboy hat walked in?

[redacted] Yeah. He, he must have walked in and came back out, but when he came out because I seen him talk to someone or something, but when he walked out that's when I was already walking out and then that's when I was smoking my cigarette and then, I guess, he must have seen or whatever. But he didn't ask me for a cigarette. He just went to go get one.

Perry: Okay. So you're, you're sitting there smoking, but you, he, he was already in the lobby?

[redacted] Yeah. Like he was already in there. Because when I came out he was already out. Like when, when I came out he was coming out. Like maybe like a minute later he came out.

Perry: Okay. So initially when you come into the lobby there's --

[redacted] There was only --

Perry: -- several people in there or --

[redacted] There was only -- when I first went into the lobby there was only I want to say like those three, three Hispanics or four Hispanics in there.

Perry: Is one of those three the guy with the cowboy hat?

[redacted] No.

Perry: Okay.

[redacted] He wasn't in there until I --

Perry: You've, you've been sitting in a room waiting for us for several hours.

[redacted] Yeah. (INAUDIBLE).

Perry: It was those three guys

[redacted] There were people over there.

Perry: -- that you were talking about?

[redacted] Yeah.

Perry: Okay. So do you remember when the guy with the cowboy hat walked in?

[redacted] Not, not as timewise, no. I just know it was right when I leave to take Vance my I.D.

Perry: Okay.

[redacted] That's when I went to go smoke my cigarette.

Perry: Okay. And when you gave him your I.D. those other three Hispanic guys were already in the lobby?

[redacted] Yeah.

Perry: And the guy with the cowboy hat was as well?

[redacted] Yeah.

Perry: Okay. So you gave him your I.D. You walked out and the guy with the cowboy hat walks out behind you essentially?

[redacted] Yeah. Well, I give it like a minute or two, but yeah. He walked out.

Perry: So you walked out, then he walked out?

[redacted] Yeah.

Perry: He went to his car?

[redacted] Well, he kind of stood right there for -- like he just kind of stood there for a while.

Perry: Uh-huh.

[redacted] And then like --

Perry: By the front doors?

[redacted] Yeah. By the front doors and then he walked to the car.

Perry: Okay.

[redacted] And then from the car that's when he went to the --

Perry: What kind of car does he walk to?

[redacted] I don't, I didn't pay attention to where he --

Perry: He just walked towards the parking area?

[redacted] Exactly. Towards the parking area and then I see him pull the cigarettes. I assumed he must have got them from his car so --

Perry: Okay. So he lights up outside?

[redacted] Yeah.

Perry: You go back inside?

[redacted] I go back in and then I went to that like little hallway right there where the little booth used to be at.

Perry: Yeah. Is there, is there a booth there?

[redacted] Yeah. There's a booth. I guess they took out the booth or something. Like the phone doesn't work there no more.

Perry: Oh, like a little phone booth?

[redacted] Yeah. It was like a little like --

Perry: Visiting alcove or something.

[redacted] -- visiting, visiting phone booth, I guess.

Perry: Okay.

[redacted] Yeah. So -- yeah. He wasn't there so I just, I just sat there and then that's when all that commotion happened.

Perry: Okay. And you -- the commotion. You heard gunshots? Did you hear gunshots?

[redacted] Yeah.

Perry: Prior to the gunshots, did you hear any yelling? Any screaming? Any, any talk? Anything going on?

[redacted] Yeah. I heard like no like, like, you know, get on the floor, get on the floor. Like I heard like, you know, like the basic like all like following the --

Perry: Like cops giving some, some orders to somebody?

[redacted] Yeah. Some -- yeah. Exactly. So -- and after that that's when I just heard all the gunshots and I didn't know what, what's expected or anything so --

Perry: Okay. The, the voice that you're hear, hearing say get on the floor --

[redacted] Yeah.

Perry: Right? Is that coming from inside of the lobby or outside?

[redacted] No. It was from outside. It was too, it was too like, like far away for it to be from inside.

Perry: Okay. Was it more than one voice that was giving those orders?

[redacted] I heard -- yeah. I heard a couple of voices. But it was just like one that kind of stuck out to me more like, more deeper. More like demanding, you know?

Perry: And as far as what that, what that voice was saying?

[redacted] More like, I want to like --

Perry: Are they saying get on the floor? Get on the ground? Let me see your hands?

[redacted] Yeah. It was more like that. Like, like basically like, you know, get on the floor. Like, like let me see your hands. Get on the floor. Like it's pretty much like trying to get -- well, I don't know what was going on, man.

Perry: Uh-huh.

[redacted] So I can't really like say, but from what I heard --

Perry: Yeah. No. Just what you're hearing. Did you hear any other, any other voices like if the cop is saying get on the floor? Let me see your hands. Did you hear any other voice saying no. F you or, or did you hear any other voices like counter to the officers' voice?

[redacted] Nah. Like I didn't hear anything from --

Perry: So it was just the commands you hear?

[redacted] It was just the commands that I, that I heard.

Perry: Okay. How long would you say that was going on before you heard the gunshots? From the time that you first hear these, these shouted commands. Let me see your hands. Get on the floor. Get on the ground. How long did that last before you heard the first gunshot?

[redacted] Welt, probably like, like a minute or two. It wasn't really that long. It was more just like giving orders and orders and then --

Perry: And then what happened? A minute or two is a phrase I kind of --

[redacted] Yeah.

Perry: -- this is my job is to pick apart --

[redacted] No, no, no, no. I get that. Yeah.

Perry: A minute is actually a long time when you and I are just sitting here and we're going to be quiet for a minute.

[redacted] Yeah. Honestly --

Perry: Do you think it lasted a minute or do you --

[redacted] No, no. Honestly, it was, it was less than a minute. Because it was just like (snapping fingers) a fast reaction. I heard people saying get down, get down and then, I guess, no response and then I just hear gunshots so --

Perry: Okay.

[redacted] Honestly, at most, the most would be a minute.

Perry: Okay.

[redacted] But it wouldn't -- you know what I'm saying? Like it, it was, it was fast (snapping fingers). It was too fast. Like I, I couldn't time it like --

Perry: Let me tell you what. Run it through in your head. Don't talk to me. Just run it through in your head from the time you hear the shouting to the time you hear the gunshots and just count in seconds, you know. One one thousand, two one thousand, three one thousand, four one thousand, five one thousand.

[redacted] I want to say like at least fifteen to twenty seconds really.

Perry: Okay. So about fifteen to twenty seconds of these shouting commands that you're hearing?

[redacted] Yeah.

Perry: And then the first gunshot?

[redacted] And the first gunshot.

Perry: All right.

[redacted] Like I don't know when exactly that first gunshot went off because there was so many of them that followed.

Perry: Okay. So you hear not just one gunshot --

[redacted] Yeah. I heard --

Perry: -- but many gunshots?

[redacted] Yeah. Like, like at first I kind of thought like it was like, like an automatic or something.

Perry: Uh-huh.

[redacted] I know I've kind of seen everyone pointing automatics so it was just like well, was it just one gunshot or was it someone with just an automatic gun. I don't know.

Perry: So you hear gunshots?

[redacted] I hear gunshots.

Perry: Kind of like in a group?

[redacted] Yeah. It was more --

Perry: Okay.

[redacted] -- like pop then, pop, pop, pop, pop. Pop, pop, pop, pop. Pop, pop, pop, pop.

Perry: Okay.

[redacted] So it was like -- I, I can't really say when the first gunshot got let off.

Perry: Right, right. But there's, but there's one and then there's almost immediately following --

[redacted] Yeah.

Perry: -- many?

[redacted] Yeah.

Perry: And I don't want to put words in your mouth. I'm just trying to --

[redacted] Yeah.

Perry: -- get it clear in my head what you're describing.

[redacted] Yeah.

Perry: So there's one shot and then it's pretty, almost immediately followed by many gunshots?

[redacted] Yeah.

Perry: Does it sound like one gun? Does it sound like many guns?

[redacted] Uh --

Perry: Guns at all? Gunshots?

[redacted] No. Just more locally here.

Perry: Just what you see on TV and what you hear out on the street and that kind of stuff?

[redacted] Yeah. Pretty much.

Perry: Okay. How many gunshots would you say? Well, let me. Before I go there. You hear the, the first -- I call it a volley of gunshots. So that's many gunshots kind of at the same time.

[redacted] Uh-huh.

Perry: Right? Is that fair?

[redacted] Yeah.

Perry: Okay. And then is there, does it just all stop and everything's over or is there a pause and then more or how would you describe it?

[redacted] Honestly, like there was a pause. Like after like the first like burst.

Perry: Uh-huh.

[redacted] Then there was a pause. And then like I heard, you know, deputies telling, you know, other deputies like, you know, get in position. You know, get, get, like get cover. Telling people to get to where I was at. And I don't know if -- I want to say I heard one after that. After the burst of all, everything that happened, I guess it must have happened so quick that, you know. (INAUDIBLE) somehow (INAUDIBLE), but --

Perry: Okay. So you hear that first, you called it burst.

[redacted] Yeah.

Perry: That's probably a good word. The first burst of gunshots and then you hear what you believe are deputies' voices?

[redacted] Yeah. Like --

Perry: And what are they saying?

[redacted] -- like pretty much like telling them, you know, like, telling the deputies like, all like, you know, like stay back, stay back. Like they are like get cover and telling them like, you know, the people that were in the lobby like, you know, come in. Like, like, what are you doing? Come over here. Come to the side. And then like I seen the door open from, you know, to come in here --

Perry: Uh-huh.

[redacted] -- and then more deputies went out.

Perry: So these are many different deputy voices?

[redacted] Yeah.

Perry: Are most of those from the inside of the lobby area that you're in?

[redacted] Yeah. Everything that I'm, that I'm like talking about is from inside. Because I didn't step foot outside from after the cigarette.

Perry: Right. But you initially heard some shouting that was outside?

[redacted] Yeah.

Perry: Right?

[redacted] Yeah.

Perry: The voices that you're now describing are --

[redacted] Are inside.

Perry: -- inside?

[redacted] Yeah.

Perry: Okay. And it's more like they're taking care of folks that are there --

[redacted] Yeah.

Perry: -- trying to make sure everybody's safe?

[redacted] Yeah. Just pretty much, you know, making sure everyone's, you know, all right.

Perry: Okay.

[redacted] So no one gets hit or they didn't trip over anything.

Perry: Okay. And after that initial burst of bullets you don't hear another any, any, anymore gunshots?

[redacted] I want to say no. But, like I say, I'm not a hundred percent.

Perry: Okay.

[redacted] I think I heard more --

Perry: Well, I don't want you to guess. I mean, and, and you can, you can guess, but I want you to tell me if you're guessing.

[redacted] Yeah.

Perry: Okay? So you -- where do you go? Where, do, do you stay --

[redacted] No.

Perry: -- in that little alcove or where do you go?

[redacted] Yeah. Well, I, I just stood right there where I was at while all this was going on. You know, people on their phones and calling and I honestly I thought I was just going to be, you know, something like it happens.

Perry: Yeah.

[redacted] So all that went on and then, like I said, when the door opened up and more deputies came out. It was more deputies inside the lobby.

Perry: You said the door opened up. This would be the door like --

[redacted] Oh --

Perry: -- is it opposite you in the other direction?

[redacted] When, when you walk into the lobby --

Perry: Uh-huh.

[redacted] -- I was on the left hand side of the lobby.

Perry: Right.

[redacted] From the hallway.

Perry: Right.

[redacted] So when the deputies came in they came in from the right side.

Perry: Okay.

[redacted] So when they came in they kind of like held up that whole right side and just told us to like, you know, follow them, go, you know, across the way. That's the door that they came out of.

Perry: So they had you come across where the opening is?

[redacted] Yeah. Come across. Yeah.

Perry: Right? And then put you, brought you through that back door that they had just come out of?

[redacted] Yes.

Perry: Okay. Did you -- before that happened, before you got taken to the back of it or beyond the, the front portion of the station, did you ever go up to the entry, the lobby entry door and look out?

[redacted] No. Like I say, I just kept my head low and whatever they asked I just did.

Perry: Okay. Did you -- I assume everybody's got cell phones nowadays. I assume you have a cell phone?

[redacted] Yeah.

Perry: Did you ever take your phone out and video anything or -- I mean, it's okay if you did. I just want to know if you did.

[redacted] No. No.

Perry: Did you see anybody doing that?

[redacted] No.

Perry: Okay. I'm just running through the time --

[redacted] That's fine.

Perry: You're here for your appointment. You get dropped off. You come into the lobby and already in the lobby are three, three other guys --

[redacted] Yeah.

Perry: -- who you've been sitting with the, the whole day waiting for us, right?

[redacted] Yeah (laughing).

Perry: Okay. You do knock out at some point in the lobby, right?

[redacted] Right.

Perry: Is that before or after you give your I.D. to Vance?

[redacted] That was before I gave my I.D. to Vance.

Perry: Okay.

[redacted] Because I was still waiting for him.

Perry: Okay.

[redacted] And I didn't know like, no one was in the front of the lobby so I kind of just sat there and I know it usually takes awhile anyways so --

Perry: Okay. And then you gave your I.D. to Vance.

[redacted] Yeah.

Perry: And then you walked out of the lobby to have a smoke.

[redacted] Yeah.

Perry: And you don't remember the guy with the cowboy hat being inside at that point, but he did come out behind you?

[redacted] Yeah.

Perry: Right?

[redacted] Yeah.

Perry: You didn't see what car he went to?

[redacted] No.

Perry: But he did walk towards the parking lot and when he came back he had some smokes with him?

[redacted] Yeah.

Perry: Okay. And then you went back inside?

[redacted] Yeah.

Perry: Did you ever see the guy with the cowboy hat again?

[redacted] I didn't see him go back inside. I just, after that part when I had that cigarette and I seen him --

Perry: Uh-huh.

[redacted] -- and that was about it after that.

Perry: Okay. And what was it, what kind of cowboy hat he had on?

[redacted] All black. It looked like --

Perry: Like an honest to God --

[redacted] Honest to God, it looked like an actual cowboy hat. Like --

Perry: Okay. And then you're sitting. You go down the hallway to the left. If you walk in the entry doors to the left and there's like a little alcove or something where you sit at the phone or something?

[redacted] Yeah. It's like a -- yeah. It used to be like a little phone booth like it's for visiting or whatever.

Perry: Okay. Is there a chair in there?

[redacted] Yeah. There's a chair right there.

Perry: Okay.

[redacted] So I just sat right there. And there was like a little, you know, table so I put my head, you know --

Perry: Okay.

[redacted] And then that's when I heard all the commotion going on.

Perry: Where -- did you put your head down and --

[redacted] Yeah.

Perry: Okay.

[redacted] And I just, you know, laid, pretty much laid on my arm and I --

Perry: Did you -- were you asleep and got woken by the gunfire or the shouting?

[redacted] No. I just, you know, resting my head.

Perry: Just resting.

[redacted] I was watching a movie and then that's when I heard all the commotion and -- first I heard that girl, you know. I guess talking to who her ex or whoever. That's what I heard first. And then I heard all the, all the bursts of, you know, guns and everything. At first I, I don't know who it was or what, but at that time I thought, you know, it had do something with that.

Perry: Okay. And to you, the, the hearing -- did you see the girl?

[redacted] Yeah.

Perry: Or just heard?

[redacted] Nah. I seen her.

Perry: What does she look like?

[redacted] She looks like -- she had a black tank top. She was like in all black. She was like a chubby, chubby Hispanic lady.

Perry: Uh-huh. How old?

[redacted] I want to say 24. No more than 28.

Perry: What kind of hair?

[redacted] Black.

Perry: Long? Curly? Short?

[redacted] Probably long. Straight-ish, like wavy, I would say.

Perry: Okay. Any tattoos that you noticed?

[redacted] No. I didn't see anything else.

Perry: Okay. Did she have a kid with her?

[redacted] At the time she got there, no. But after like I seen, like I didn't see the kid, but I just seen like, you know, like a little sippy cup or something that was right there. So I'm assuming that the kid was there.

Perry: Okay. And that's after all of the gunshots or before?

[redacted] No. That was before.

Perry: That's before that. Okay. And you heard her talking on her phone something about --

[redacted] I don't know if, I don't know if it was on the phone. Because like from where I was sitting at --

Perry: Okay.

[redacted] -- I can only see like --

Perry: You heard her saying that?

[redacted] Yeah. I heard her saying that.

Perry: Okay.

[redacted] And then that's what I'm saying. Like I only seen the sippy cup there after so I didn't, I didn't get up and walk over there or anything after that.

Perry: Okay. But she was saying something to the effect that she didn't feel safe?

[redacted] Yeah. She's like, she was like I, I don't feel safe. Like do you want me to get like a deputy over here because I don't feel safe. And then I heard the other person like chuckle, like laugh, like are you serious. Like laugh. And then I heard the door open.

Perry: Which? The --

[redacted] The, the lobby door.

Perry: The lobby door.

[redacted] Yeah.

Perry: Yeah.

[redacted] I heard the lobby door open. And then -- yeah. It was quiet after that and then that's when I heard everything else.

Perry: Okay. How long between the time that you heard that girl saying that? And then did you hear the shouting outside?

[redacted] Um --

Perry: A minute? Two minutes? Ten minutes?

[redacted] It, it -- that felt longer.

Perry: Because you got there about what time?

[redacted] I got there at like 7:00. Like about 7:00. Like 6:45. 6:50.

Perry: Okay.

[redacted] Closer, a little close to 7:00.

Perry: Before 7:00?

[redacted] Yeah.

Perry: Okay.

[redacted] Because I was sitting in there for, for a little while. And then I remember looking at my phone and it was like 7:00 something. And I can't remember exactly what exact time, but I remember looking on my phone and it said 7:00 like, it was, it wasn't like 7:10. It was like still in the single digits.

Perry: Okay. And that's when you hear this, this girl saying that?

[redacted] Yeah. Like once I went in and I was sitting there and then I heard them talking. I don't know exactly like what time they were talking about it and they were like, her and that other guy, or whoever she was talking to. And then when I heard the door open and they, and someone leave I, I can't even honestly say how long it was between that time and hearing the shouting.

Perry: Okay. So but there's some minutes?

[redacted] Yeah. There, there's some time --

Perry: At least?

[redacted] -- in between it though.

Perry: Some minutes had passed, right?

[redacted] Yeah.

Perry: And then you hear the shouting. And its deputies giving commands?

[redacted] Yeah.

Perry: (INAUDIBLE), right?

[redacted] Pretty much. If that was the whole, the whole thing I think that was said out there.

Perry: Okay. And then this, this burst of gunfire?

[redacted] Yeah.

Perry: Right? And then it sounds like deputies moving around in the station, the lobby, getting people --

[redacted] Yeah.

Perry: -- making sure they're safe and moving them out of the way?

[redacted] Yeah.

Perry: Okay.

Matlock: [redacted] the, when you heard the, the burst of gunfire, did it sound like the same -- you know like on Fourth of July somebody lights an M80 or something like --

[redacted] Yeah. It sounded like the same, the same kind of exact sound then. I mean, like to me, honestly, it sounded like it all came from one gun. Because it was just so fast.

Matlock: So rapid?

[redacted] Yeah. So rapid. Just dum, dum, dum, dum, dum. And usually it would be like pop, pop, pop, pop, pop. Like there's ten people.

Perry: No pauses in between the rounds?

[redacted] Yeah.

Perry: There's some of them, some of them, the sounds like even on top of each other?

[redacted] Honestly, I wouldn't be able to --

Perry: Okay.

[redacted] -- figure that out.

Perry: Okay. Got anything?

Matlock: The guy with the cowboy hat, you said you were outside having a smoke and he walks in.

[redacted] Yeah.

Matlock: And then he walks back out to his car to get smokes, right?

[redacted] No, like when I went out to smoke a cigarette I didn't notice that, him in there at first.

Matlock: Right.

[redacted] Until he walked out. Once he walked out that's, that's when I was like oh, like I noticed him because of his hat. Like right away I just seen his cowboy hat.

Matlock: Sure. That's when you guys were --

[redacted] Yeah. Not -- so I seen the cowboy hat and like at first I thought he was like oh, like a, like a, like a cop. Like those ones that go and like get people from other states and bring them back.

Matlock: Like a bounty hunter?

[redacted] Yeah. Something like that, you know?

Matlock: What makes you think that?

[redacted] Just like the, just like the look. Just how they look.

Matlock: Okay.

[redacted] Cowboy hat and real tight clothes. Faded in, tucked in type thing.

Matlock: What was he wearing? Do you remember?

[redacted] I think he was like, kind of like jeans on. I don't know if they were jeans or -- I know he had a cowboy hat and maybe like some like a striped kind of shirt.

Matlock: Okay. And I know it was probably a short timeframe from when you walked --

[redacted] Yeah.

Matlock: -- from the lobby when you noticed him to getting to his car. But could you tell any kind of demeanor? Was he walking like he was pissed off? Was he walking --

[redacted] Honestly, like when I seen him, I knew like there's was something wrong with this dude, like --

Matlock: Why?

[redacted] He just kind of looked sketched out. He just looked like, he looked opposite. Come on right here. The cowboy hat. Little --

Matlock: Okay.

[redacted] Kind of just stood in the corner by himself like standing there like --

Matlock: In like the parking lot or --

[redacted] No, no. Not in the parking lot. Like we walked -- when he come out of the, of the door --

Matlock: Yeah.

[redacted] -- of the lobby. There was like a little like, little spot where you can smoke a cigarette.

Matlock: Right.

[redacted] Like he was standing right there like next to like, I guess, the stairs.

Matlock: Okay.

[redacted] So then I was on the other side and he was just kind of like just stood there like, you know, like he was like thinking something, like. Like he was contemplating something. And then I remember like I was holding my cigarette and then when I went in like -- or when I seen him go to his car I thought he was leaving. And then when he got the cigarette then I was like all right, whatever. And that's when I just went in and nothing --

Matlock: When he was walking to his car and --

[redacted] Yeah. I didn't, I didn't watch him walk to the car.

Matlock: Okay.

[redacted] Yeah. I just seen him like coming back from that area.

Matlock: Okay.

[redacted] And by the time like I looked up to see because I was on my phone and I looked up to see he was already like in the middle of the parking lot with a pack of cigarettes.

Matlock: Okay. When you, when you did see him walk in did he look pissed off? Did he look like he was a man with a mission? Did he look like he didn't have a care in the world?

[redacted] Uh --

Matlock: Just your opinions, I mean.

[redacted] I mean, honestly, my opinion, like he kind of just looked like, you know, something was going on with him and, I mean, like everyone has a problem so --

Matlock: Okay. And then you went back in the lobby?

[redacted] Yeah.

Matlock: And he, he stayed out there, right?

[redacted] He stayed out there, yeah.

Matlock: And when you were in the lobby did you hear any deputies talking about him?

[redacted] No.

Matlock: Nobody said anything? Or did you see deputies coming from the, you know, the door that goes into the station?

[redacted] Yeah.

Matlock: Coming -- do you see deputies come into the lobby and then go out in the parking lot?

[redacted] After? Yeah. After. Like a little -- when I was standing, like sitting there waiting. Like for Detective Vance.

Matlock: Uh-huh.

[redacted] After like I was done with the cigarette and I sat there like I seen deputies go out there, but I didn't think it was anything for that. I was just thought, I just thought they were going to like, you know, to their car. So most of the time the deputies come in and out of there.

Matlock: Right.

[redacted] So I didn't really assume anything.

Matlock: You didn't hear any deputies talking about --

[redacted] No.

Matlock: -- hey, we're going to arrest somebody?

[redacted] No. Nothing like that.

Matlock: Okay. I'm good.

Perry: Okay. Easter?

Easter: I don't have anything.

Perry: Okay. [redacted] is there anything that you want to tell us that we didn't ask you?

[redacted] No. That's pretty much it. (INAUDIBLE).

Perry: Okay.

Matlock: [redacted] is this your -- is that your cell phone?

[redacted] Yeah.

Matlock: Okay.

Perry: Okay. It is 1407 hours and that will conclude.

JL
Cron & Associates Transcription 714-573-7172

WITNESS [redacted]

WITNESS INTERVIEW:

[redacted]

Matlock: Okay. We are at Temple Station. This is the deputy involved shooting under file number 017-03249-0522-013. It is Monday, March 20th, 2017, at approximately 1410 hours. We are interviewing [redacted] what's your birthday?

[redacted] [redacted]

Matlock: Okay. And [redacted] did you have, did you have an appointment here today or did you just --

[redacted] Yeah. I just had to come and [redacted].

Matlock: Okay. Did you have an appointment or do you just kind of show up?

[redacted] No. They told us to --

Matlock: Okay.

[redacted] -- just show up.

Matlock: And what time did you get here today?

[redacted] At 7:00.

Matlock: Seven o'clock in the morning. Did you drive?

[redacted] Yes.

Matlock: Okay. Obviously, there was an incident here in the parking lot today.

[redacted] Yeah.

Matlock: At what point in time were, when you were here did you become aware of what was going on?

[redacted] I would say I --

Matlock: What, what did you notice?

[redacted] The, the guy that came in with the hat.

Matlock: Uh-huh.

[redacted] Say something to the, just the officer or the clerk at the --

Matlock: At the, at the counter?

[redacted] -- at the counter.

Matlock: Okay.

[redacted] He walked back out and started smoking.

Matlock: Okay.

[redacted] And we were just sitting down.

Matlock: You were inside the lobby?

[redacted] Yeah. We were sitting down. Me and three others.

Matlock: If I'm, if I'm standing at the front door while I'm facing the counter where were you guys sitting? Off to the right? To the left?

[redacted] Well, when you walk in off to the right.

Matlock: To the right?

[redacted] Yeah. Off to the right.

Matlock: And –

[redacted] And you walk in the lobby.

Matlock: -- where the, where those chairs --

[redacted] Yeah. Where the chairs are.

Matlock: Were they along the wall or --

[redacted] Along the wall.

Matlock: Okay. So off to the right hand side of the front door?

[redacted] Yes.

Matlock: So when you were seated there could you see out to the parking lot?

[redacted] Not quite because I was just looking at my paperwork.

Matlock: Okay. So you were sitting there waiting for --

[redacted] Vance to call us. Yeah.

Matlock: Okay. Detective Vance?

[redacted] Yeah.

Matlock: Is that you were waiting for? Okay. And the, the gentlemen with the cowboy hat came in and he gave his paperwork to the person at the front counter and then what happened?

[redacted] Then he walked out and started smoking.

Matlock: Okay.

[redacted] And I didn't pay much attention to him.

Matlock: Where, where was he smoking at in the parking lot? Do you remember?

[redacted] Alongside the sidewalk. And where you come in before that entrance.

Matlock: Okay. So just near, like almost -- did, was he like against the wall?

[redacted] No, no. He was just pacing back and forth.

Matlock: Oh, okay.

[redacted] Yeah.

Matlock: On that, that walkway leading up to the front door?

[redacted] Yeah.

Matlock: Could you tell at all did he have -- what was his demeanor like?

[redacted] No. The truth, I didn't really, I didn't pay much attention. (INAUDIBLE).

Matlock: Did he appear to be like he was upset? Did he appear?

[redacted] No, nothing. Normal guy.

Matlock: And then he was out in the parking lot and then what happened?

[redacted] We just seen the officers walking out.

Matlock: And they came from in the, there's that door that opens up --

[redacted] Yes.

Matlock: -- and kind of goes in the station. They came from there?

[redacted] They came from where the counter's at --

Matlock: Uh-huh.

[redacted] -- to the hallway on the right.

Matlock: Okay. And how many deputies were there? Do you remember?

[redacted] I think, I -- roughly maybe six.

Matlock: Okay. All right.

[redacted] Yeah.

Matlock: And what did, did they go out into the parking lot?

[redacted] They, they just walked out. And, I guess, like the third one the, the first three, the first one said, hey, you're under arrest. And the guy threw his hat off.

Matlock: Okay.

[redacted] And he started running to the car.

Matlock: Okay. And what --

[redacted] And that's all I saw.

Matlock: Was he still at that, the walkway? Was he still on the walkway when he threw his hat off?

[redacted] No. He was walking like towards his car and then he threw his hat off.

Matlock: Do you know if when the deputies first walk out of the lobby, going outside, did that guy notice them?

[redacted] Yeah. He turned, he then turned around when they say hey, you're under arrest and then --

Matlock: Now when the deputies say that is that when the guy started walking away?

[redacted] Then he started like pacing faster like, like a jog walk.

Matlock: So you say -- okay. Wasn't necessarily walking, but wasn't necessarily running?

[redacted] Yeah, yeah. Kind of like jog walked to his car.

Matlock: Okay. Did, did you see what happened when he got to his car?

[redacted] No, no. As soon as I hear, seen the deputy pull his firearm I walked over to where the water fountain is at, the restroom.

Matlock: Okay.

[redacted] And that was it.

Matlock: Okay. And when you walked over to where the water fountain is could you still see out in the parking lot?

[redacted] No, no.

Matlock: Okay. What did you -- when, when you saw a deputy pull his gun and then you moved if you couldn't see, what did you hear?

[redacted] The gunshots.

Matlock: Okay. Did you hear -- after you heard a deputy say hey, you're under arrest did you hear any deputies or did you hear anyone say anything else?

[redacted] No. That was it. I just walked up and walked over there. I, as soon as I seen them went for, go for his gun and --

Matlock: Okay.

[redacted] -- it looked like something bad.

Matlock: What's that?

[redacted] It looked like it was going to be something bad.

Matlock: Okay. And then, so you went over by the water fountain. You couldn't necessarily see from the parking lot anymore, but what did you hear?

[redacted] Just the gunshots going off.

Matlock: Okay. How many gunshots do you think you heard?

[redacted] It was half a dozen I heard.

Matlock: Okay. Was it -- when you say half a dozen meaning six? Was it, you know, one, two, three, four, five, six?

[redacted] Yeah.

Matlock: Or was it like?

[redacted] It was just pop, pop, pop, pop, pop, pop.

Matlock: Okay.

[redacted] I, I couldn't tell.

Matlock: Okay. Are you familiar with firearms at all?

[redacted] No.

Matlock: Guns? Have you ever shot a gun before?

[redacted] No.

Matlock: Okay. Did it sound like it all came from one gun possibly? Or you don't know?

[redacted] Nah, I don't know. Just it happened so fast, you know.

Matlock: Okay.

[redacted] I just wanted to move away and make sure --

Matlock: Just keep to safety?

[redacted] Yeah.

Matlock: Okay. Did you hear anything after that?

[redacted] No. I did not.

Matlock: Did you hear anything over any speaker systems here?

[redacted] No, no.

Matlock: Okay. Did you -- you said you saw the guy and he was walking quickly towards his car?

[redacted] Yeah.

Matlock: Did you actually see him get to his car?

[redacted] No, no. I just seen him pacing towards the car. I figured it was his car so --

Matlock: Okay. But you don't know what kind of car that was?

[redacted] I believe it was something like blue, purple, or a blue car.

Matlock: Okay. A truck? SUV?

[redacted] Like an SUV.

Matlock: Okay. You, but you didn't actually see him make it to the car?

[redacted] No.

Matlock: No? Okay. And the deputies were, were they following behind him?

[redacted] Yeah, yeah.

Matlock: Okay.

[redacted] I guess to -- because when they say, they say you're under arrest and, I guess, he might have got scared, you know?

Matlock: Okay. Did you get the impression he was trying to get away?

[redacted] Yeah. Somewhat.

Matlock: Okay. And you didn't hear the deputies say anything else?

[redacted] No.

Matlock: Okay. Did you hear any kind of, even if you couldn't make out what they were saying, did you hear any kind of arguing or anything like that?

[redacted] No, no. Nothing.

Matlock: Okay. All right. Ken?

Perry: Yeah. Real quickly, [redacted] The -- when you walk in the lobby there's some blue chairs along the wall like right across from the Coke machine?

[redacted] Yeah, yeah. Right.

Perry: Okay. That's where you're sitting?

[redacted] Yes, sir.

Perry: Okay. And when the guy with the cowboy hat was outside smoking you see about six deputies come out and pull out of the lobby, right?

[redacted] Yeah.

Perry: Out those front doors?

[redacted] Yeah. They were just -- and I was sitting down on the, the first chair.

Perry: You're, so you're sitting closest to the door?

[redacted] Close to the door. Yeah.

Perry: Okay.

[redacted] And I was reading my paper and figuring what I was going to ask for.

Perry: Yeah.

[redacted] So I just seen like six deputies walk in front of me.

Perry: Okay.

[redacted] And then the guy was pacing. When they say hey, you're under arrest he threw his hat off and started pacing towards the car.

Perry: Okay.

[redacted] Like jog walk.

Perry: So you're sitting by the door. The deputies come out. How did you know they were deputies?

[redacted] Well, their, I see their uniform.

Perry: Their uniform?

[redacted] Yeah.

Perry: Like typical L.A. County --

[redacted] Yeah. Like Sheriff's --

Perry: -- Sheriff's uniform? The tan shirt, green pants?

[redacted] Yeah.

Perry: Right?

[redacted] Right. The gun.

Perry: The gun belt?

[redacted] Yeah.

Perry: Okay. Did any of them have like rifles? The deputies?

[redacted] No.

Perry: Big guns?

[redacted]: That happened after. When I was over there by the fountain --

Perry: Okay.

[redacted] -- they, I guess, they heard the gunshots.

Perry: Uh-huh.

[redacted] And they started coming out.

Perry: Okay. So the guy with the cowboy hat -- when the deputies come out of the door where is the guy with the cowboy hat? Is he --

[redacted] He was --

Perry: -- right next to the door or is he down --

[redacted] I think there's a flag out there, right?

Perry: Yeah.

[redacted] He was off the --

Perry: I'm going to give you, I'm going to show you my bad drawing. Okay? Here. This is the, the entrance to the sheriff's station, right? This is the driveway in. Is your car parked out there by the way?

[redacted] I'm parked by the Walmart.

Perry: You're parked over there by the shopping center?

[redacted] No. What is that? K-Mart? WalMart?

Perry: K-mart.

[redacted] Yeah.

Perry: Okay. So this is the door that goes into the lobby.

[redacted] Uh-huh.

Perry: Okay. And this is I think that's, there's a flag pole right here?

[redacted] Yeah. He was, he was smoking right here.

Perry: Okay.

[redacted] And when the deputies came out he turned around and threw his hat and he started like jog walking towards the, the blue car.

Perry: Towards the, this the blue car that's parked over here?

[redacted] Yeah. I think it was like a Trailblazer because --

Perry: It's here.

[redacted] -- when he came in and parked I seen him come out. He had a black hat.

Perry: Okay. So you saw him, from where you were sitting inside of the lobby you saw that car come in?

[redacted] Yeah.

Perry: Back in and then the guy with the cowboy hat got out and walked in?

[redacted] Yeah. Walked in there.

Perry: Okay.

[redacted] Gave somebody like a paper and then he walked out.

Perry: So when the deputies come out of the lobby door he's, he's kind of close to the, this is, I think this is a sidewalk or a walkway here.

[redacted]: Yeah. Yeah. He was off --

Perry: And this --

[redacted] -- he was off to the sidewalk.

Perry: The stairs. So he's actually down in the parking lot?

[redacted]: Yeah. Yeah.

Perry: These are the two handicap spaces right here. Right outside the door. On the southeast comer?

[redacted] No. He was off the sidewalk, but he was on more towards --

Perry: Okay.

[redacted] -- over here. He had like a head start.

Perry: And he's indicating down towards the middle --

[redacted]: Yeah.

Perry: -- the, the person is in the parking lot --

[redacted]: Yeah.

Perry: -- closer, by the handicap spots --

[redacted]: Yeah.

Perry: -- closest to the entrance door. And you hear one of the deputies say hey, you're under arrest?

[redacted] Yeah. Hey, you're under arrest. As soon as he stepped out two other guys were behind him.

Perry: The dep, two of the other deputies?

[redacted] Right. Two other deputies.

Perry: Okay. And then the guy, you said he jog walked so --

[redacted] Yeah. He kind of like --

Perry: Not a full sprint --

[redacted] No, no.

Perry: -- but --

[redacted] More like --

Perry: Not, not a casual walk?

[redacted] Yeah.

Perry: Okay. In a hurry to get to the car?

[redacted]: Yeah. And then he threw his hat off and that's when the deputy reached for his gun. I walked over to the fountain.

Perry: Okay. So he threw his hat off. Did he just like knock it off his head? Did he like to the floor --

[redacted]: No. He went to grab it --

Perry: -- and tossed?

[redacted] -- and threw it off. Like grabbed it and threw it off.

Perry: So like away from him?

[redacted]: Yeah.

Perry: Okay. And did you see him, the guy with the cowboy hat, get into the car? The (INAUDIBLE)?

[redacted]: No. I got, that far I didn't see.

Perry: Okay.

[redacted]: I just seen the one in the (INAUDIBLE).

Perry: Because when, when the guy threw his hat you saw at least one of the officers drew the gun?

[redacted]: Yeah.

Perry: Right? And you figured it's not --

[redacted] And I just got up and walked over there.

Perry: And this -- and you're talking about that part of the lobby. Let me show you another equally bad drawing.

[redacted] I think there's a restroom right there.

Perry: So if this is the entrance, this is, this is like the, this is the, the, the desk?

[redacted] Yeah.

Perry: The lobby front desk?

[redacted] And I would be over here.

Perry: There's a Coke machine.

[redacted] With the fountain over here.

Perry: Yeah. Down this hallway, right?

[redacted]: Yeah.

Perry: Okay. And you were sitting on a chair kind of, if this is the front door --

[redacted] Yeah.

Perry: -- and right there. Right by the front door?

[redacted] Right by the door.

Perry: On the south wall across from the Coke machine?

[redacted] Yeah.

Perry: Okay.

[redacted] And then when more deputies, more personnel started coming in. You guys wait out there. Okay. (INAUDIBLE) thank you.

Perry: And, [redacted] you hear the gunshots. Before you hear the gunshots do you hear the deputies or the guy with the hat or anybody say anything outside?

[redacted] No, no. They were always like far away.

Perry: Okay.

[redacted] And I couldn't hear.

Perry: And you told me earlier, you have a [redacted] --

[redacted] Yeah. I have a (INAUDIBLE).

Perry: Okay. Do you wear a [redacted]

[redacted] Yeah. Here.

Perry: You, you --

[redacted] (INAUDIBLE).

Perry: Okay. You don't seem to be having any problem hearing us?

[redacted] No.

Perry: You know, talking.

[redacted] No.

Perry: If there was some shouting going on in the parking lot would you have heard that?

[redacted] Yeah. But they were so far --

Perry: Yeah.

[redacted] -- from us --

Perry: Uh-huh.

[redacted] -- we were inside.

Perry: Yeah.

[redacted]: And they were outside.

Perry: Could -- well, that answered -- that's my next question. Could you, could you hear shouting, but not hear what was being said?

[redacted]: Yeah, yeah.

Perry: All right. So, so like I can hear voices on the other side of the wall. I can't really tell what they're being --

[redacted]: Yeah.

Perry: -- what they're saying. Is that, is that a fair --

[redacted]: Yeah. He like mumbled.

Perry: Okay.

[redacted]: Yeah. And I walked away --

Perry: So you can hear things, but you can't hear the, you can't hear the specific words --

[redacted]: No, no.

Perry: -- of what's being said. Okay. How long after the deputies say you're under arrest? How long after that did you hear the gunshots?

[redacted]: It was moments before. I, I don't know how long.

Perry: (INAUDIBLE)?

[redacted] Yeah. Maybe, maybe a minute, two minutes.

Perry: Okay.

[redacted] Yeah. Yeah.

Perry: A minute or two minutes is a long time.

[redacted] Yeah. But I, I don't know exactly --

Perry: Okay.

[redacted] -- what the guy with the cowboy hat did so --

Perry: Right. No, no. I'm not asking you that.

[redacted] So I didn't --

Perry: I know you didn't --

[redacted] No. I didn't see so.

Perry: No, no. I'm not asking you that. I just, the, if you can, what I want you to do is just to yourself. I want you to think about what happens when the officer, when the deputy says you're under arrest and then think about where you moved to. And how long that took you to the time that you hear the gunshots. And just count --

[redacted] I think --

Perry: -- inside your head in seconds.

[redacted] It was like a couple of steps, maybe ten steps. Less than a minute.

Perry: It's probably less than a minute. Just, if I say, one one thousand, two one thousand, three one thousand, four one thousand, five one thousand --

[redacted] Maybe seven.

Perry: -- six one thousand, seven -- about seven seconds?

[redacted] Yeah.

Perry: Okay. I know a lot of times people use less than a minute for, because it's just a phrase of speech, but a minute is actually a long time --

[redacted] Yeah.

Perry: -- if you're doing, if you're doing some of those things –

[redacted] Yeah.

Perry: -- and we're just trying to clarify that. And I don't want to put words in your mouth.

[redacted] Uh-huh.

Perry: So if I'm wrong, you tell me.

[redacted] Yeah.

Perry: Okay.

[redacted] Yeah. Because as soon as I heard the shots then when I seen him draw a gun on him --

Perry: Uh-huh.

[redacted] -- you know. It was like this.

Perry: Well, was it just one officer? One deputy that drew his gun or was it more than one?

[redacted] I just seen one.

Perry: Just one?

[redacted] I don't know if they, the rest of them were helping him or --

Perry: Okay.

[redacted] -- I didn't see that.

Perry: And when the guy with the cowboy hat started jog walking to his car did the deputies -- what did the deputies do? Did they chase after him? Did they run?

[redacted] Yeah. They, I guess they, they running after him.

Perry: Uh-huh.

[redacted]: They're like --

Perry: Well, what did you see them do?

[redacted] When I was sitting in the chair --

Perry: Uh-huh.

[redacted] -- I seen the deputies come. The guy threw his hat off. They told him hey, you're under arrest --

Perry: Uh-huh.

[redacted] -- he looked back and --

Perry: He looked back, huh?

[redacted] -- he was -- like approaching this, like going towards his car, I guess.

Perry: Uh-huh.

[redacted] And the deputies started, I guess, trying to follow him.

Perry: Uh-huh.

[redacted]: So that's --

Perry: It would be fair to say like the deputies moved quickly?

[redacted] Yeah. They were in a rush to get him right there.

Perry: Towards that car?

[redacted] Yeah.

Perry: Okay. And that's, and that's when you --

[redacted]: Walked over.

Perry: -- moved away from the chair --

[redacted]: Yeah.

Perry: -- and got over here?

[redacted]: Yeah. Because more officers started coming out.

Perry: Okay. And did you eventually get, did you stay there in the hallway?

[redacted]: Yeah. I stayed until they told us to come back to the back.

Perry: Okay. Did, do you have a cell phone?

[redacted]: Yeah.

Perry: Okay. Did you take pictures or --

[redacted]: No. Nothing.

Perry: -- video or anything?

[redacted]: Nothing.

Perry: It's okay if you did. I just want to know.

[redacted]: No, no. No pictures or anything.

Perry: Did you see anybody else doing that?

[redacted]: No. I didn't see nobody.

Perry: Did the guy with the cowboy hat, what did he seem like to you?

[redacted]: Normal, normal guy.

Perry: Normal?

[redacted]: He hasn't -- I thought he was going to check in with, with [redacted]

Perry: Yeah.

[redacted]: He walked in. And I walked in first. It's about 7:00 because I had to go to work. They told us just have a seat. We'll be right out. And then he came in like fifteen minutes, twenty minutes later.

Perry: Uh-huh.

[redacted]: Gave them a paper. He walked out and started smoking.

Perry: Uh-huh.

[redacted]: That was it. He just seemed casual, normal.

Perry: Okay. Did he say anything? Did you talk to him at all?

[redacted]: No, no, no. Nothing. He just walked in to the counter and walked back out. Started smoking.

Perry: Okay. You have anything? Easter?

Easter: Right. None.

Perry: That's it. Thank you very much.

Matlock: That includes our interview. It's 1426 hours.

JL
Cron & Associates Transcription 714-573-7172

WITNESS [redacted]

WITNESS INTERVIEW:

[redacted]

Matlock: Sheriff's Homicide. Temple Station. We're investigating a deputy involved shooting. Today is Monday, March 20th, 2017. Under sheriff file number 017-03249-0522-013. I'm with Sergeant Ken Perry, also with Sheriff's Homicide.

Easter: Sergeant Anthony Easter, Internal Affairs Bureau.

Valle: Sergeant Paul Valle, from Internal Affairs Bureau.

Perry: And translating for me is going to be Deputy Catano?

Catano: Yes, sir. Employee number [redacted]

Matlock: Okay. [redacted] what time did you get here this morning?

[redacted] 6:40.

Matlock: 6:40. And if, if there's something that you don't understand, just say so. And he's going --

[redacted] Yeah. Okay.

Matlock: -- to translate for us, okay?

[redacted] Okay.

Matlock: And, [redacted] when is your birthday?

[redacted] When? My birthday?

Matlock: Yes.

[redacted] [redacted] -- uh, [redacted]

Matlock: [redacted] Okay.

[redacted] '[redacted]

Matlock: (laughing) You write that?

[redacted] (laughing) Yeah.

Matlock: And did you have an appointment today?

[redacted] Yes.

Matlock: Okay.

[redacted] That, with Vance.

Matlock: Detective Vance?

[redacted] Vance, sir.

Matlock: Okay. And were you sitting in the lobby?

[redacted] Yeah. I was sitting in the first chair.

Matlock: Okay.

[redacted] I wasn't -- nobody was there.

Matlock: Okay.

[redacted] I came --

Matlock: When, when you walk into the lobby and you're facing the front counter were the chairs that you were sitting in to the right or to the left?

[redacted] The lady come to the left. Right side.

Matlock: Okay.

[redacted] She asked me what I, what I, what I wanted and I showed her my (INAUDIBLE).

Matlock: The [redacted]?

[redacted] And she said okay. But he's going to be late. (INAUDIBLE). He's going to be about twenty minutes. Twenty, thirty minutes. So sit down.

Matlock: Okay.

[redacted] So I sit down.

Matlock: And those, and those chairs that you sat down on --

[redacted] Yeah. Uh-huh.

Matlock: -- are they to the right or to the left?

[redacted] They are one, two, three, four. The first one.

Matlock: I'm sorry?

[redacted] The, the first chair.

Catano: (Spanish)

[redacted] Yeah. (Spanish)

Catano: Right in front.

Matlock: Okay. So when he walks in there on the right hand side here. Was he sitting, he said he was sitting in the first seat?

Catano: Yeah.

Matlock: Was that closer to the window or closer to the counter?

[redacted] Closer to the counter.

Matlock: To the counter. The seat that you were sitting in that was the closest one to the counter, how well could you see out the front door to the parking lot?

[redacted] I was, I was wearing these and I can see if I, if I look I would, I look very --

Perry: Okay.

[redacted] -- look.

Matlock: And, eventually, were there other, other guys that showed up --

[redacted] Yeah.

Matlock: -- and they were sitting next to you?

[redacted] Yeah. Next to me.

Matlock: Okay. Was there a guy -- was there a man with a cowboy hat?

[redacted] Yeah. Yeah.

Matlock: Did he sit down at all?

[redacted] No. No.

Matlock: No? What did he do?

[redacted] I don't pay, I don't pay attention. There was a lady that, a lady with a baby.

Matlock: Okay.

[redacted] That walked out, walked out with a baby and then they go out.

Matlock: Okay.

[redacted] And then there's one man with a, I think, it was a black pants and, and a hat. But that's like --

Matlock: Okay.

[redacted] -- part of the thing because I didn't --

Matlock: Did he sit down in the lobby or did he go back outside?

[redacted] No, no. He went to ask something to the officer and he pulled out something but I, I guess he's like me. And then he go outside. But I don't, (INAUDIBLE). I don't know if he was like kicked out or what. Or what.

Matlock: Okay. When he, when he went outside could you see what he was doing?

[redacted] No.

Matlock: No. Okay.

[redacted] No. He was (INAUDIBLE).

Matlock: Okay. Could you, when you he went outside could you see him at all?

[redacted] No. Right here. I think he just goes up here, but he was (INAUDIBLE).

Matlock: Okay. Was, was there a point in time when you were sitting in the lobby that you saw some deputies go outside?

[redacted] Yeah. I saw, I saw the deputies. They came from the -- I think it was, to go home, I guess.

Matlock: Say that again?

[redacted] I saw two of the, two, two deputies go outside.

Matlock: Okay.

[redacted] But I guess they get ready to, to go home, I, I guess.

Matlock: Okay. And the office, the officers that went outside were they wearing uniforms like a deputy?

[redacted] Yeah. They did.

Matlock: Did they have gun belts and everything? A belt and everything?

[redacted] Yeah.

Matlock: Okay. And when those officers went outside did you hear anything that happened?

[redacted] No.

Matlock: No?

[redacted] I don't hear very well.

Matlock: Okay.

[redacted] See, you know, it either has to be close.

Matlock: Close?

[redacted] Yeah. Because I see them. They leave the, the station. I don't hear very well.

Matlock: Okay. When the deputies went outside did you hear any kind of arguing or yelling or anything?

[redacted] No.

Matlock: No? Okay. Did you hear any kind of loud noises?

[redacted] No. I didn't hear.

Matlock: No? Not at all?

[redacted] Well, I heard when they shots.

Matlock: Okay. So you heard --

[redacted] Yeah.

Matlock: Did you -- you heard some loud noises. Did you think that they were gunshots?

[redacted] I think.

Matlock: Okay. What, what did you think they were?

[redacted] When they -- I didn't notice, like I didn't notice. And then, and then I, they took a few shots.

Matlock: Okay. How many shots do you think you heard?

[redacted] I don't, I don't know. I don't know.

Matlock: Okay.

[redacted] Around then.

Matlock: Okay. After you heard the shots did somebody come out, come into the lobby and tell you guys to do something?

[redacted] Yeah. They did. Go to the, to the, to the, to the left side.

Matlock: Okay.

[redacted] Everybody.

Matlock: Near there is like a Coke machine there or something?

[redacted] Yeah. Yeah.

Matlock: Okay.

[redacted] There's the first room and I think there's what, the phone. I think the phone booth, booth.

Matlock: Okay. Okay.

[redacted] One of, one of, one over here. Go there, go there, go there.

Matlock: Okay. And I'm sorry. Had -- do you have any idea how many gunshots you heard?

[redacted] No.

Matlock: No? Okay. And what happened after that? Did you hear anything at all?

[redacted] No. No. (INAUDIBLE).

Matlock: Okay.

[redacted] Then go that way. Everybody. Make a left. Make a, make a right. Make a left.

Matlock: Okay. And this is what --

[redacted] Back, left, to the right, right.

Matlock: Okay.

[redacted] Right.

Matlock: So they put you in the room that you're in now? Okay. The guy with the cowboy hat that came in. He came to the counter and he handed his driver's license to the lady at the counter, right?

[redacted] Yeah. He pulled them up. I don't know if he, if he did. I don't know.

Matlock: Okay. All right. How was he acting? Did he act mad?

[redacted] No.

Matlock: Okay.

[redacted] No.

Matlock: Did --

[redacted] I don't know a thing. I mean, yeah, I didn't pay attention.

Matlock: Okay.

[redacted] But he, then he, he's somebody mad. Somebody --

Matlock: Yeah. Right. Did, did, did any, did anything seem not normal?

[redacted] No. I think it was like the other guys are like me. No.

Matlock: When, when the deputies were walking out could you hear them saying anything to each other?

[redacted] When they were talking. I just I don't know.

Matlock: Okay.

[redacted] They didn't say nothing. I turned (INAUDIBLE), but when they everybody's hear conversation it's pretty hard for me to get it because I think it's not clear.

Matlock: Okay.

[redacted] And I don't understand a lot of words and --

Matlock: Did you hear the deputies say anything about arresting anybody?

[redacted] No.

Matlock: Okay. Or did you hear them say that, did you hear the deputies say anything about somebody having a warrant?

[redacted] No.

Matlock: No? Okay.

Perry: I'm sorry. Just when you were sitting in the chair the man with the cowboy hat, after he gave whatever to the person at the counter, did he walk outside?

[redacted] Yes.

Perry: And then some deputies walked past you and walked outside?

[redacted] After two or three minutes of (INAUDIBLE).

Perry: After two to three minutes. Okay.

[redacted] Maybe, maybe more.

Perry: Did you hear any shouting?

[redacted] No. No.

Perry: No? Nobody saying anything?

[redacted] I don't know. I didn't hear. He was out of there. I don't know. If they asked him something like I don't know. I didn't hear nothing.

Perry: Not that you heard what was said. Though did you hear voices? Did you hear sounds?

[redacted] Well, like I said, yeah, yeah. I thought they were (INAUDIBLE) they were talking to each other.

Perry: You heard the officers talking to each other?

[redacted] Yeah.

Perry: But is that as they walked past you?

[redacted] When they went outside I saw them in the, in the parking lot.

Perry: In the parking lot.

[redacted] Uh-huh.

Perry: So you could hear voices?

[redacted] Both of them.

Perry: Okay. Where did the lady with the baby go?

[redacted] I don't know. She, she turned and she sit down and then (INAUDIBLE) she found out, I think like (INAUDIBLE) and one guy (INAUDIBLE).

Perry: Uh-huh.

[redacted] And then (INAUDIBLE) to go off.

Perry: And they both, they both left the lobby?

[redacted] Oh, yeah, yeah.

Perry: Before the guy with the cowboy hat?

[redacted] Prior to -- yeah. Uh-huh.

Perry: Okay. That's all I have.

Presby: Can you estimate how many shots you heard?

[redacted] Five, six, seven. I don't know. Eight. Okay.

Valle: I don't have anything.

[redacted] (INAUDIBLE).

Catano: He's saying, he's indicating he's never heard gunshots or gunshots.

Matlock: He, he never had before?

Catano: No.

Matlock: Okay. All right. Well, that will conclude our interview. It's 1440 hours.

JL
Cron & Associates Transcription 714-573-7172

WITNESS [redacted]

WITNESS INTERVIEW:

[redacted]

Matlock: All right. This is Detective Scott Matlock with L.A. County Sheriff's –

[redacted] I will have to ask --

Matlock: Oh, I'm sorry.

[redacted] -- to talk really loud. I have hearing problem.

Matlock: Okay. No problem. I'm with Sergeant Ken Perry, also from Sheriff's Homicide. We're investigating a deputy involved shooting. Today's date is March 20th, 2017, Monday. Under, we're at Temple Sheriff's Station. Under file number 017-03249-0522-013. And we are interviewing [redacted] And [redacted], what's your birthday again?

[redacted] [redacted] But [redacted] got my birthday as [redacted] for some reason.

Matlock: Hm. Okay. Well, we won't worry about that today.

[redacted] Okay, sir.

Matlock: And I don't want you to take this the wrong way, but you have some [redacted].

[redacted] Yeah. I do.

Matlock: So like is this level of my voice good for you? This --

[redacted] Yeah. I can hear you.

Matlock: Okay. Is that too loud?

[redacted] It's okay.

Matlock: Okay. You were here today at Temple Sheriff's Station because you have an appointment?

[redacted] Yes. I made an appointment the day, two, three days ago with the desk officer because I need to [redacted].

Matlock: Right.

[redacted] As they told me that Detective Raney, the one who take care of that, but he not there so come back at 7:00 a.m. in the morning on the 20th of March.

Matlock: Okay.

[redacted] So that's what I did. I arrived at the station at 7:50.

Matlock: 7:15?

[redacted] 7:50.

Matlock: Okay.

[redacted] And --

Matlock: So wait. 7:15 or 7:50?

[redacted] 7-5-0, sir.

Matlock: Okay.

[redacted] I'm sorry. I apologize. 6-5-0.

Matlock: Oh, okay.

[redacted] 6:50.

Matlock: 6:50.

[redacted] Not 7-5-0.

Matlock: That's okay. No worries. When you got here today you checked in at the front desk.

[redacted] Let me wrap it all together and then you ask me questions.

Matlock: Oh, awesome. Okay. That sounds, that's awesome.

[redacted] As soon as I arrive I drive into the parking lot and I saw one man with the binocular looking up. I thought he was a bird watcher, but he's not. He was looking at the Internet. I believe he a repairman or something. And like three, maybe four other people working in the lot, parking lot. I pulled

inside and I told the front desk officer that I'm here to see Detective Vance, V-A-N-C-E. And as soon as I sit down Detective Vance come out and he asked me what I want. I said I'm here for [redacted] after standing with my I.D. and identified myself. And he said okay. Let's go back and sit down and we'll take care of you in a minute. So he took my I.D. with him. He told me to sit down. As soon as I sit down, well, maybe five minute later, I noticed three, four deputy walk by me. Kind of rush. But then later on I see them came back. Nothing happened. I sit down then playing with my telephone for about another five minute, ten minute. Three more deputies walk by again, but this time they walk real fast so I notice right away. I say there must be something wrong out in the parking lot. So I look out. As soon as the three deputies open the door there was a man. A male wearing a black jacket start running. He ran to the, the lot and then one of the correction -- I mean, I'm sorry. Not the correction, deputy cut him off so he make a right, but then there was a wall so he cannot jump over the wall. The wall was too high. As soon as he make the right turn another deputy cut him off again. They went to the truck where he parked by me, my car. But they (INAUDIBLE) out there.

Matlock: It's the white one? The white one?

[redacted] The white Honda Accord.

Matlock: Yeah.

[redacted] My vehicle. And he opened the door. As soon as he opened the door he went inside I say oh-oh, he went for his gun. Right it went in my head. I know he went for his gun. But the man in the black jacket. I'm sure he went, he went for his gun because of the way he acting. So as soon as I seen that I said, oh-oh, then I hear pop, pop, pop, pop. Three, maybe four shot. And then the next, another C.O. I keep using the word C.O. I'm sorry.

Matlock: No. Don't worry about it.

[redacted] I'm in prison too long.

Matlock: (laughing)

[redacted] Another deputy came back around and he fired another shot at, directly at the front of the windshield so I don't know if that hit him or not, but then after that everything quiet and then I yell out. I said deputy need assistance. So I can hear inside and next thing I know like ten, maybe twelve officers, C.O. came -- I mean, deputy, came out and they, they told me to move away from the, the door. And I hear, I overhear one of the deputies say we need a rifle. We need a long gun. So the front desk

personnel, the deputy, hand him, I believe, an AR15 with magazines ready to go and he racked the chamber around. He fixed, he checked the safety. He went out. And then I see another C., uh, deputy, ran from inside came out with a shotgun with the – what's the word. I, I can't see from a distance, but (INAUDIBLE) mostly around. And then I see like four or five more people keep coming out and they start taking position, you know. So five or ten and we're told to come in here.

Matlock: Yeah.

[redacted] End of my (INAUDIBLE).

Matlock: You're, you're, you're quite observant.

Perry: Yes.

[redacted] Yes, sir.

Matlock: When you were sitting in the lobby were you sitting on the chairs that they have there?

[redacted] I was sitting on the chair. One, two, number three chair from the left hand side. I was sitting down. One, two, three, number three chair.

Matlock: How many, so you're in the number three chair. How many chairs between your chair and the window?

[redacted] I, I believe like five, six.

Matlock: Okay. But you're, you're in this number three chair.

[redacted] Number three.

Matlock: How many more chairs are there before the window?

[redacted] I think it's four more --

Matlock: Four.

[redacted] -- until my right.

Matlock: Okay.

[redacted] There was a, a male Hispanic man sitting at the very end and another person sitting on my left was one chair away from me so --

Matlock: Okay. But you could see into the parking lot?

[redacted] I can see outside perfectly well.

Matlock: Okay. The man that was in the parking lot, you saw him come in the lobby?

[redacted] I saw because I think -- he came in. He standing in front of the (phone ringing) I apologize. May I?

Matlock: (INAUDIBLE).

[redacted] I'm going to. I tell them I'm (INAUDIBLE). (phone ringing) This is my daughter. She's like worrying. (phone ringing) Hello? I'm doing, I'm with (INAUDIBLE) not (INAUDIBLE), okay? Okay. Bye-bye.

Matlock: No problem.

[redacted] Okay.

Matlock: So -- I'm sorry. The man with the cowboy hat, he came in the lobby? You saw that?

[redacted] Not in the lobby inside, but he standing outside I saw. But I don't know, I don't remember or recall that he ever came inside. I didn't observe that man.

Matlock: You, when he was outside in the parking lot --

[redacted] Outside.

Matlock: -- what was he doing?

[redacted] I, I really don't know. He -- I believe he's standing there walking back and forth.

Matlock: Okay. Did he, did he have any kind of demeanor? Well, did he -- happy? Sad? Upset?

[redacted] There was a, a man who looked kind of upset standing outside (INAUDIBLE).

Matlock: The same guy?

[redacted] No.

Matlock: The same guy with the cowboy hat?

[redacted] The same guy with the black jacket.

Matlock: Okay.

[redacted] I -- the only thing I remember hearing (INAUDIBLE) he standing there wearing that black jacket. That's all --

Matlock: Did he have a hat on?

[redacted] I don't remember, sir. I don't recall that.

Matlock: Okay. That's all right. And you said the deputies went outside to contact him?

[redacted] The deputy went out to, I believe, to look for him.

Matlock: Okay.

[redacted] But he didn't -- look for him or someone. Not -- I, I didn't know who were they looking for. But soon as they, they came out to look for him and then first, the same, the first time the four deputies went back inside. But like three, maybe five minute later, three more deputies came out, but this time they kind of, you know, walking kind of faster.

Matlock: Walking, walking with a purpose?

[redacted] Yeah. I can tell there, there must be something happening. So as soon as they passed by I looked out and that's who, the door would close, and then that guy running and then they, they --

Matlock: The, the second group of deputies that walked out did they have, have all their uniforms on?

[redacted] They, all three of them have a uniform on.

Matlock: Okay.

[redacted] They're all uniform. Lots of them.

Matlock: Okay. Could you hear any kind of conversation that they would have with that, with that man?

[redacted] No, sir. I have not seen them talking or hear anything.

Matlock: Okay. Not necessarily just picking out certain words even if, even if you couldn't pick out the words did you hear any type --

[redacted] No, sir.

Matlock: Okay.

[redacted] No, sir.

Matlock: All right.

[redacted] Even though, but I see that, I can tell that, I know how to read lip, but then I didn't see it.

Matlock: Okay. And then you said that when the man got to his car --

[redacted] The man running to his SUV, I believe. As soon as they, they turn he's got nowhere to go. He opened the door and rummaged through his S, SUV. And --

Matlock: Is that on the, was that --

[redacted] -- as soon as I hear that (INAUDIBLE), bang, bang, bang, bang.

Matlock: Did he enter the driver's side or the passenger's side?

[redacted] The, the -- he -- on the passenger side.

Matlock: And you said --

[redacted] Prob, probably face out.

Matlock: Okay. And when he opened the passenger side door what did he do?

[redacted] I didn't hear nothing. All I hear was the door was open. Again, a second time and then hear bang, bang, bang, bang. Like they shooting at him.

Matlock: Okay. You, you said when he opened the door you thought he was getting a gun?

[redacted] Yes. He would open the door --

Matlock: Well, what, what made you think that?

[redacted] -- and then close the door and then open again.

Matlock: What made you think he was going to get a gun?

[redacted] Right away in my mind he, thought he went for the gun.

Matlock: See, when he opened the door did he bend down like he was reaching under the seat? Did he reach?

[redacted] I didn't see that part, sir.

Matlock: Okay.

[redacted] I did not see what he reached for, but in my mind right there from this distance I thought he going for his gun.

Matlock: Did you ever see him with a gun?

[redacted] But the reason (INAUDIBLE), I mean, I meant like (INAUDIBLE).

Matlock: Did you ever see him with a gun?

[redacted] No, sir.

Matlock: Okay. And then you heard -- did you see the shooting or you heard it?

[redacted] I heard four, maybe five shots or five and another series, the last series of five. A single shot out through the windshield.

Matlock: Okay.

[redacted] Uh-huh.

Matlock: So initially you heard four or five shots? And then there was, was there a pause?

[redacted] Yeah. Yeah.

Matlock: Okay. For a couple of seconds?

[redacted] For about five, maybe ten second.

Matlock: Okay. And then you heard one more shot?

[redacted] Right.

Matlock: Okay. And you -- are you familiar with gunshots? Guns and things like that?

[redacted] I'm not going to say that. I didn't know it. I didn't see what any guy or not.

Matlock: Okay. But you've heard gunshots before is what I'm asking?

[redacted] Yes. I, I --

Matlock: Okay.

[redacted] -- I'm very good at it (laughing).

Matlock: Okay. Did the gunshots sound similar like they were coming from the same gun?

[redacted] Yes, sir.

Matlock: Okay.

[redacted] Yes, sir. (INAUDIBLE) came from the same gun. The first four or five shots probably from, from two different gun, but there was one person fire the single shot through the windshield. And that I cannot (INAUDIBLE) it specifically from the gun.

Matlock: Okay. The, the first four or five that you said might have come from two different guns?

[redacted] Maybe.

Matlock: What makes you say that?

[redacted] Totally different sounds, sir.

Matlock: Okay. But was it, was it --

[redacted] (INAUDIBLE) sounds like a different level, well, the ammo.

Matlock: Okay. Maybe different caliber? Meaning one could have been --

[redacted] Then it can be different or the ammo can be different caliber.

Matlock: Okay. All right.

[redacted] Or make of weapon.

Matlock: Did -- were the, were the shots so fast that also made you think, maybe think it came from two guns?

[redacted] You know how police fire their gun. Bang, bang, bang. That's how he shot at the time, two, two shot at the time.

Matlock: Right.

[redacted] So --

Matlock: Okay. Did you hear the deputies say anything after the shooting?

[redacted] No, sir. I did not pay attention to it. I was told to move.

Matlock: Okay.

[redacted] Away from it so --

Matlock: And the, the one singular shot at the end through the windshield you actually saw the deputy do that?

[redacted] I saw the deputy, but I cannot identify the deputy because he was facing the back to me. I cannot --

Matlock: Okay.

[redacted] -- say which deputy or who the deputy is.

Matlock: Where was he standing?

[redacted] He was standing right in front of the vehicle. Little bit of angle. So the vehicle was and he was standing like out.

Matlock: Here. I have a really bad drawing. So if this, it was the blue car here. This is --

[redacted] Right. He was standing right around this angle.

Matlock: Okay. So he was like maybe in the middle of the parking lot?

[redacted] Yes, yes, yes.

Matlock: Okay. Let's, let's --

[redacted] Like right, right here.

Matlock: Okay.

[redacted] Not directly in front, but --

Matlock: Off to the side here.

[redacted] -- a little bit off.

Matlock: But like in the center of the parking lot?

[redacted] Yeah. I, got shooting right here and look out.

Matlock: Okay. So he was kind of like around here?

[redacted] I will say right about there.

Matlock: Okay. Perfect. And you said he fired a single shot through the windshield?

[redacted] I see he fire a single shot that was about there.

Perry: Middle of the parking lot southeast of the suspect vehicle. (INAUDIBLE).

Matlock: But he had his back to you so you couldn't identify him?

[redacted] I could not identify the, the deputy that fired that shot or who done it.

Matlock: Okay.

[redacted] But he wearing uniform though.

Matlock: Did you see where other deputies were positioned in the parking lot?

[redacted] Everybody was in their position. The two -- I did not see that, that after shooting deputy he, he take and he positioned probably somewhere right here. So I could not see him.

Matlock: Okay.

[redacted] At the point, that, that's the problem with it because that's (INAUDIBLE)

Matlock: (INAUDIBLE) parking lot.

[redacted] How many guns were fired or how many, how --

Matlock: So was this the only deputy you saw?

[redacted] That's the only deputy that he fired that single shot --

Matlock: Okay.

[redacted] -- through the windshield.

Matlock: Okay. Was that the only deputy you could see?

[redacted] (INAUDIBLE). Yeah.

Matlock: Okay.

[redacted] But the other three deputy, the first five shot I see one deputy fire and then he back up.

Matlock: Okay. So he fired west of the vehicle and backed up going southwest?

[redacted] I really can't tell you. He backed up somewhere in this area.

Matlock: Okay. All right.

[redacted] He take cover.

Matlock: Got anything?

Perry: Yeah. That -- I'm confused on -- when you're sitting on the chair.

[redacted] No. At the time when --

Perry: Wait. Wait.

[redacted] I'm sorry.

Perry: Before the shooting. Okay. You're sitting, you're sitting in the lobby.

[redacted] Yeah.

Perry: And you can see out the window.

[redacted] Yeah.

Perry: The door.

[redacted] The door.

Perry: And you said that three or four deputies walked past you?

[redacted] Yes.

Perry: And they come from inside the station and out?

[redacted] They would have came from inside the back door.

Perry: Okay.

[redacted] They came, but then they came back in again. It's nothing happened. But then the next second time that these deputy went by --

Perry: Okay. Okay. When they went out the first time was the man with the black jacket outside?

[redacted] No, no, no, no.

Perry: Okay.

[redacted] I didn't see him.

Perry: Okay. And, and you never saw the man with the black jacket inside the lobby?

[redacted] No, sir. I didn't recall that. I didn't pay attention to that.

Perry: Okay. But the second time the three or four deputies went out the man with the black jacket was outside?

[redacted] Outside.

Perry: Okay.

[redacted] He's standing outside.

Perry: He's standing outside. The three or four deputies come out.

[redacted] Yeah. They --

Perry: Do you hear them say anything to him?

[redacted] I did not hear them say anything.

Perry: What does the man with the black jacket do?

[redacted] He start running.

Perry: He -- and which way did he run?

[redacted] Behind (INAUDIBLE).

Matlock: Absolutely. Sure.

[redacted] Maybe better understand it.

Perry: Yes.

Matlock: Yeah. Absolutely.

[redacted] Okay. He, he, he go running somewhere from this area. And he run through this area.

Perry: So at about the handicap spots --

[redacted] And some, I believe one of the deputies cut him --

Perry: -- towards the second vehicle --

[redacted] -- and then he start running across behind the SUV. Behind the SUV.

Perry: Uh-huh.

[redacted] Behind all those cars and now this deputy got to cut him off right here. So that's why he get into the SUV and open the door.

Perry: So if I can, because the deputies come out of the, the -- if this is the front door --

[redacted] Uh-huh.

Perry: -- for the station. As the deputies come out --

[redacted] Come out.

Perry: The man with the, the, the black jacket --

[redacted] Then he's coming around here.

Perry: -- and this is somewhere around the handicap spots at the south portion of the parking lot.

[redacted] Right.

Perry: And he runs kind of in a northwesterly direction --

[redacted] Right. And then he --

Perry: -- towards where the Ford truck is.

[redacted] -- runs this way.

Perry: He goes around the back of the Ford truck.

[redacted] And they cut him off.

Perry: Somebody, the -- it looked like the deputies were trying to cut him off so some, another deputy --

[redacted] Right.

Perry: -- as he, as the suspect was running --

[redacted] Then another deputy went this way.

Perry: Slow down, slow down for me. Slow down for me. As the man with the black jacket was running towards the Ford truck on the diagram. The northwest corner. A dep, another deputy was moving westerly and then --

[redacted] Uh-huh.

Perry: -- another way through the parking lot trying to cut him off, so you think. And then the man went around behind the SUV and another deputy went up to, towards the driveway?

[redacted] Exactly. Uh-huh.

Perry: To kind of cut him off there?

[redacted] Right.

Perry: Yes?

[redacted] Yes.

Perry: And then, and then so when the, the deputies kind of cut him off then what did the man with the black jacket do?

[redacted] Well, both deputies cut him off, but once he go something (INAUDIBLE) when he -- threw his hat to the side of the SUV.

Perry: Okay.

[redacted] And opened the door.

Perry: Could you tell if it was --

[redacted] And dive in.

Perry: -- could you tell it was at the front passenger door or the rear passenger?

[redacted] The rear side. The rear side.

Perry: So the rear passenger door of this SUV.

[redacted] Not the front.

Perry: Right? Not the front.

[redacted] He opened the door and dive in.

Perry: Dived in.

[redacted] Okay. As soon as he dived in I believe he, the door closed halfway.

Perry: Uh-huh.

[redacted] And then he opened the door again.

Perry: Uh-huh.

[redacted] And then the C.O. open, I mean the deputy, opened fire, I believe.

Perry: Okay. And that deputy that opened fire is one of the ones that you saw kind of –

[redacted] Somewhere around –

Perry: -- over here in the northwest corner?

[redacted] -- somewhere around this area over here.

Perry: Okay. The northwest corner or, or the middle section on the west side. Did you actually see that deputy open fire?

[redacted] I did not spec, specifically see which deputy, but I could see smoke coming out from a gun that got fired.

Perry: So there was more than one deputy over here at this west portion?

[redacted] There was more than one.

Perry: Okay.

[redacted] But I only see one fire and then he back up.

Perry: Okay. Okay. So there's at least there, there's, there's at least two, if not more deputies --

[redacted] I believe so.

Perry: -- over in this west portion. Okay. And did you, you see and you hear the gunshot?

[redacted] I see, I --

Perry: But you don't know which one did it --

[redacted] Right.

Perry: -- but you know that somebody, one of the officers shot their gun?

[redacted] Right.

Perry: Okay. And then -- in the direction of where you saw the man jump into the car?

[redacted] Dive in.

Perry: He dove in.

[redacted] He dive in.

Perry: Dive in. Okay. Like he's in a movie or something? So shooting in the direction of where he jumped into the car.

[redacted] Yes.

Perry: Right? And then after that. And is that, and how many shots do you think are fired? Do you, when you hear this?

[redacted] I would say four, maybe five.

Perry: Four or five.

[redacted] At least four or five.

Perry: At least four or five.

[redacted] I think maybe more.

Perry: Could be more. Many. Very rapid? Boom, boom, boom, boom, boom?

[redacted] Right.

Perry: Okay. And then after that there's a, there's a pause? Brief?

[redacted] Five, maybe five seconds.

Perry: Five seconds. And that's when this deputy --

[redacted] Fire another shot.

Perry: -- shoots.

[redacted] Through the windshield.

Perry: Through the window.

[redacted] The windshield.

Perry: Could you see the (INAUDIBLE)?

[redacted] No. Yeah. I could see bullet going and glass shooting.

Perry: You could see the glass. Okay.

[redacted] And he fired a little bit low in the center.

Perry: Uh-huh.

[redacted] But I'm sure that man was hiding under, somewhere by, below it.

Perry: Of the windshield?

[redacted] Yes.

Perry: A little bit lower in the center of the windshield?

[redacted] Yeah. Like a couple of inch about the windshield wiper. What is that?

Perry: Uh-huh. The windshield. Say it again about the windshield?

[redacted] You know the windshield wiper?

Perry: Yeah.

[redacted] When they, they lay down?

Perry: Yeah.

[redacted] He fired a couple of shot right, they hit, the bullet hits a couple of inch above it.

Perry: Okay. And then after this deputy fired were there any more gunshots?

[redacted] No, sir. No, sir. I, I didn't hear nothing after that because I was told by one of the -- I went in, I, I had to leave. Went back in and I yell out deputy need assistance. Shots got fired.

Perry: Did you step outside?

[redacted] Huh?

Perry: Did you go outside?

[redacted] No, sir. I'm inside the, the window.

Perry: Okay. So you stayed behind the window?

[redacted] Yes.

Perry: Did you get up from the chair to look?

[redacted] I --

Perry: It's okay. So you're, you're sit, you're sitting in the chair?

[redacted] I was, no. I, I --

Perry: You were (INAUDIBLE).

[redacted] -- at that time I got, I got up and looked --

Perry: Okay.

[redacted] -- (INAUDIBLE) already.

Perry: Did you come right up to the, to the door?

[redacted] Right up. My nose then touched the (INAUDIBLE).

Perry: Okay. Okay. And then you yell out deputy needs assistance.

[redacted] Yes. Yes. Shots fired. That's what I --

Perry: Shots fired.

[redacted] Uh-huh.

Perry: Okay.

[redacted] And then deputies from the inside start running out. But I believe that, that, by that time the deputies already called it in so, by that time.

Perry: Right, right. And after the, you saw this deputy shoot to the front of the car you didn't hear any more gunshots after that?

[redacted] No, sir. I did not hear. Because at that time I went at that back and I went (INAUDIBLE) so everything (INAUDIBLE) then.

Perry: Okay. And you think they were about, there were three to four deputies that were out there?

[redacted] I saw actually, only count three at that time.

Perry: Okay.

[redacted] But the first time was four.

Perry: The first time. But those ones came back in, right?

[redacted] Yeah. Four.

Perry: Without, nobody was running? Nothing (INAUDIBLE).

[redacted] No, no. Anything. But the third time with three C.O. I mean, three deputy.

Perry: Okay. Okay.

Matlock: Were the deputies, the first group, the four, that came back were any of them the same that was in the second group? Or you don't know?

[redacted] I, I didn't make, I didn't know (INAUDIBLE).

Matlock: Okay.

[redacted] It was just uniform so I didn't pay attention.

Perry: Okay. Did you see anybody taking video or pictures with their phone?

[redacted] No, sir. No, sir. Nobody.

Perry: Did you?

[redacted] I don't think -- no. I did not.

Perry: Okay.

[redacted] I didn't even have the time because it happened so fast.

Perry: Next question. How many seconds was it from the time that the, the second time that the deputies run out to the time that the shooting stopped? How many seconds do you think?

[redacted] Oh, because of the incident what happened so I was not paying attention how, how long did that take so if you want me to guess I would give you a guess, but then (INAUDIBLE).

Perry: Just a, just an estimate if you can.

[redacted] I would say a minute.

Perry: A minute? To the time that they went out to the time that --

[redacted] The incident. I thought (INAUDIBLE)

Perry: To the time that you yelled deputy needs assistance or something?

[redacted] A minute.

Perry: Okay.

[redacted] But that's just my guess. If you have to, me clarify that.

Perry: Okay. Okay. I don't have any other questions. I don't have anything.

Matlock: I don't have anything.

Perry: Okay. Yeah. Is there anything else you want to tell us?

[redacted] Say it again?

Perry: Is there anything else you want to tell us?

[redacted] No, sir. I have nothing to say. I'm here to [redacted] if you please let me go (laughing) then.

Perry: Yeah.

[redacted] (INAUDIBLE).

Perry: We're going to take care of that. Okay. Good.

Matlock: Okay. Good.

Perry: Okay, [redacted] That's it.

Matlock: We'll conclude our interview at 1509 hours.

JL
Cron & Associates Transcription 714-573-7172

WITNESS [redacted]

WITNESS INTERVIEW:

[redacted]

Perry: 1530 hours. It's 1530 hours. Sergeant Perry, Sheriff's Homicide, on March 20th. We're at Temple Sheriff's Station conducting an investigation into a deputy involved shooting under sheriff's file 017-03249-0522-013. Also in the room are Detective Scott Matlock from Sheriff's Homicide as well as Sergeant Anthony Easter from Sheriff's Internal Affairs Bureau. We'll be interviewing [redacted] who is employed by [redacted] whose business had got a county contract to do some work in the parking lot here at Temple Station. Is that about right?

[redacted] Correct.

Perry: Okay. All right, [redacted] What time did you arrive here at the station?

[redacted] Around seven o'clock.

Perry: And you parked your car, however you got here, in the adjoining mall parking lot?

[redacted] Yes, sir.

Perry: Or mall parking lot. Okay. And you, as well as some fellow workers – they're -- are they all employees of [redacted]

[redacted] No. Just my foreman, [redacted]

Perry: Okay.

[redacted] And the other two, one was an environmentalist that makes, makes sure there's no birds or stuff that's in danger.

Perry: Okay.

[redacted] In, in the area.

Perry: Is that [redacted]

[redacted] I don't know. I --

Perry: [redacted]

[redacted] I believe so.

Perry: Okay.

[redacted] And then the other guy I just, I just, I just met both those two gentlemen today so I don't really know --

Perry: Okay.

[redacted] -- who they are.

Perry: So it's just you and [redacted] that are really [redacted] --

[redacted] [redacted] Yes.

Perry: Okay.

[redacted] Yes.

Perry: So the four of you were kind of walking the site. Seeing what, what kind of work you were going to do and what was going to be required?

[redacted] Yes.

Perry: Did something -- I'll, I'll just throw it out this way. Did, did something happen that caused you guys to stop what you were doing?

[redacted] Yes.

Perry: What happened?

[redacted] Someone came running out of the front door or from the front door area.

Perry: Uh-huh.

[redacted] And was -- I don't remember how many deputies were chasing him, but there was several. I heard tase him and they didn't do that. The guy was running right towards us and then made a right-hand turn and got into the, the SUV. He struggled to get in, but he finally got in and a deputy was right behind him. A shorter deputy. And almost got him. And then he jumped in and the deputy jumped back away and went and got cover behind the, one of the vehicles that was in the parking lot and then shots were fired.

Perry: Okay. I'm just going to run you through it one more time with a little bit of detail. Your, you and your group were you over on like the west end of the park, the parking lot?

[redacted] Yes. Next to where the, that generator pad is. The fenced up, enclosed generator.

Perry: Okay. That southwest corner?

[redacted] Correct.

Perry: Okay. And had there been any disturbances or anything odd happen prior to that?

[redacted] No.

Perry: Okay. You just, the first thing you knew there was somebody running out of the front door --

[redacted] Running --

Perry: -- of the lobby?

[redacted] -- running, running in our direction from somewhere towards the front door.

Perry: Okay. That person that was running, can you describe him? A male? A female?

[redacted] Male Caucasian. I think he had a red, a red plaid shirt, I think. Something red.

Perry: Okay.

[redacted] On the upper body. And blue on the lower body.

Perry: Okay. A hat?

[redacted] I don't remember a hat.

Perry: No hat? Okay. Any hair? Shaved head?

[redacted] No. It wasn't -- he had hair, but no. I don't think, I don't recall the color.

Perry: Okay. How old would you say?

[redacted] 20's or 30's.

Perry: Okay. And then following right behind him were there deputies?

[redacted] Sev, several deputies.

Perry: Several deputies. In full uniform?

[redacted] Yes, sir.

Perry: Okay. What was being said?

[redacted] Stop, stop. Get on the ground. And he just kept going.

Perry: Okay. Did the guy that they were, they were chasing did he say anything?

[redacted] No.

Perry: Did he, do you think that he knew that they were deputies? Did you see him look over his shoulder at them? Did you --

[redacted] No. I, I just saw him going into the truck.

Perry: Okay.

[redacted] He knew he was being chased though.

Perry: Okay.

[redacted] Because he was running.

Perry: He was running?

[redacted] Running.

Perry: Okay. And did he run straight to --

[redacted] He was running straight at us and saw us and then turned right to get in the SUV.

Perry: Okay. So kind of running west along the west border of the parking lot? Which would be kind of straight towards you guys.

[redacted] Correct.

Perry: And then ran north towards --

[redacted] Towards the SUV back door.

Perry: Okay. And what color is that SUV?

[redacted] Blue.

Perry: And the back door on the passenger side?

[redacted] Passenger side.

Perry: Passenger side.

[redacted] But the SUV is backed in.

Perry: Okay. So the SUV is backed in facing out?

[redacted] Facing south. Backed in facing south.

Perry: Right. Okay. And he got into the right rear passenger door?

[redacted] Correct.

Perry: Did it look like he had a problem getting it open at first?

[redacted] Yeah. He struggled. It wasn't, his hand slipped off the first attempt.

Perry: Okay.

[redacted] And then he got it the second attempt and the deputy was, almost had him before he jumped in.

Perry: And this is, you said, a shorter deputy?

[redacted] Yes.

Perry: Okay. But in full uniform?

[redacted] Yes.

Perry: Did you hear the deputy --

[redacted] There was only one that was not in uniform that I remember and he was by the flag pole and he was the one that told us to get inside.

Perry: Okay. The shorter deputy that almost caught him at the door, he was in uniform, right?

[redacted] Yes.

Perry: Did you hear any, anymore, I call them commands?

[redacted] Get on the ground, get on the ground.

Perry: Okay. So that, was that kind of a continuous --

[redacted] Uh-huh.

Perry: -- verbal commands from the deputies to the guy?

[redacted] Yes.

Perry: Okay. Once the guy jumped in the car what kind of commands did you hear?

[redacted] Let me see your hands. Let me see your hands.

Perry: Uh-huh. Could you see the guy in the car?

[redacted] No.

Perry: Could you see any portion of him?

[redacted] No. I was -- at that point I was kind of getting to my, where I was going to be safe.

Perry: And was that when the, when that was happening at the car, after the guy had jumped in --

[redacted] He, he jumped in the car and I turned and ran south towards the building --

Perry: Uh-huh.

[redacted] -- and jumped behind the bushes.

Perry: Okay.

[redacted] And then when I looked back I just saw smoke coming out of the guns. I can't even count how many times, how many shots were fired.

Perry: Okay. So as you're, as you're getting into the bushes and as you're trying to find some safety that's when the gunshots are starting?

[redacted] Yes.

Perry: Okay. Had -- so is it fair to say that your, your back was turned or your, your facing away from where the gunshots are coming? At least initially? Or was it -- do you understand what I'm saying?

[redacted] Yes, yes. Initially I was running --

Perry: Uh-huh.

[redacted] -- and then once I was in the, by the bushes I turned back and watched.

Perry: Okay. But as you're running do you hear the gunshots?

[redacted] Yes.

Perry: Okay. So you turn, you run south toward the building. You're hearing gunshots and then you turn back and you see -- the, the gunshots are continuing?

[redacted] Yes.

Perry: Is that fair?

[redacted] Yes.

Perry: And the smoke from the gunshots and stuff?

[redacted] Yes.

Perry: Okay.

[redacted] And I saw the, the shorter officer came around and got protection from the vehicle and I saw him reload.

Perry: Okay. So he moved away from wherever he had been at?

[redacted] Because he was, he was, in my opinion, he was feared for his safety because he didn't know what the guy had in the truck.

Perry: Uh-huh.

[redacted] Or what he had so he did the, the smart thing and got cover.

Perry: Behind the, the truck?

[redacted] Behind the truck.

Perry: Okay.

[redacted] And as he was going backwards I could see the smoke from this gun.

Perry: So as he's backing away he's firing as well?

[redacted] Yes.

Perry: Okay. And then you saw him --

[redacted] I saw him reload.

Perry: -- reload. Are, are you familiar with guns?

[redacted] Um --

Perry: Beyond what we've all seen on TV and that kind of stuff or do you, do you have handguns? Do you shoot?

[redacted] I'm familiar. I don't, I don't have guns.

Perry: Okay.

[redacted] But I'm familiar with them.

Perry: Okay. But the, the reload you're describing. Describe that for me.

[redacted] I saw the clip drop on the ground --

Perry: Uh-huh.

[redacted] -- and he put in a new clip, a fresh clip in.

Perry: Okay. Very good. And he was the only deputy up --

[redacted] He was the only one --

Perry: -- up at that point?

[redacted] -- that was in my path of vision. There were several that came out.

Perry: Okay. When you, you see the man run out and jump in his car. You see the deputy almost get him, right? And the man is not seated upright in the car. I, I'm assuming this. Because --

[redacted] I, I don't think so.

Perry: -- you can't see him.

[redacted] I don't know. I think he jumped in and laid down.

Perry: Okay. So jumped in like maybe across the seat?

[redacted] Right. Just to hurry up and get in.

Perry: He didn't get in and sit down like a normal person --

[redacted] No. He didn't take his car and get in --

Perry: -- would get in the car?

[redacted] -- and sit down. What, no.

Perry: Right. And that's when you're starting to run?

[redacted] Right.

Perry: As you're running you hear gunfire –

[redacted] Uh-huh.

Perry: -- and then you turn back around and is it fair to say that it's all kind of simultaneous that you're seeing several things going on at once?

[redacted] Right.

Perry: (coughing) Excuse me. One of those things being the shorter deputy shooting and backing up and reloading?

[redacted] Uh-huh.

Perry: As well as and I don't, and maybe I misunderstood, are there other deputies who are also shooting?

[redacted] There's other deputies and they were, but I can't describe any of them because I was watching the one that I could see perfectly clear. It was right in my line of sight.

Perry: Those other deputies that are shooting are they off to what would be your right?

[redacted] They, they were off --

Perry: Facing towards the street?

[redacted] Yes.

Perry: Okay. And are they -- let's try this. I've got a poor drawing of the parking lot so don't, I don't want to be judged on how bad my drawing is.

[redacted] Okay. That's why you're a sergeant and not an artist.

Matlock: (laughing)

Perry: That's right. Why I never claimed to be an artist. Okay. Just to orient you. This is the driveway in off of Las Tunas?

[redacted] Uh-huh.

Perry: This is Las Tunas up here and this is the front door of the --

[redacted] Uh-huh.

Perry: -- of the station here. So if this is the, the generator.

[redacted] We, we were standing up approximately here.

Perry: Okay. So on the southwest corner.

[redacted] But this is out here farther.

Perry: Yeah. It's not to scale. That's for sure.

[redacted] So we were standing about here.

Perry: Okay.

[redacted] Closer to this truck.

Perry: Okay. On the northwest corner.

[redacted] And then we see him come from this direction from the front door.

Perry: Uh-huh. And he's running west?

[redacted] Running west and he sees us all four standing here and then he goes to get in here.

Perry: Okay. So then that's when --

[redacted] And then --

Perry: -- he kind of swerves --

[redacted] -- and then --

Perry: -- and jumps into the back seat?

[redacted] Right. And then I ran over here to these bushes up against the, the, in the planter.

Perry: Right. So you ran to the southwest corner in the planter and the tree.

[redacted] And, and I'm watching. I could see that, that, that the shorter deputy that I saw went back over here and then there were several others --

Perry: So he's behind the truck.

[redacted] -- taking cover where they could over here.

Perry: And there's several others in the southeast portion --

[redacted] Correct.

Perry: -- in the parking lot trying to take cover.

[redacted] Right.

Perry: Okay. What were they -- do you know what they were trying to take cover behind or -- were they just out in the open or --

[redacted] Some were over here so it's kind of like a crossfire.

Perry: Okay.

[redacted] I would think. Because that's the only, that's the only other car that, that I saw. And with the one that was telling us to get inside --

Perry: Uh-huh.

[redacted] -- was behind the flagpole right outside the door.

Perry: Okay. So the flagpole at the southeast corner --

[redacted] Of the, of the planter.

Perry: Right. And he's telling you and, and --

[redacted] Yeah.

Perry: -- do you, do you remember where the rest of your, your work crew went? Were any with you here? Or --

[redacted] [redacted] was with me and I don't know how, where the other two went.

Perry: Okay.

[redacted] And the, the, the gentlemen that was telling us to get inside was in plainclothes --

Perry: Uh-huh.

[redacted] -- tall.

Perry: Tall.

[redacted] With a, like a, a, a brown, what's the name of that clothes? It's like a brown jacket.

Perry: Okay. Not a, not a police jacket?

[redacted] No, no, no.

Perry: Okay. Okay. And he's yelling, waving --

[redacted] Yeah.

Perry: -- come this way.

[redacted] And he had his, his gun was drawn, also.

Perry: He had a gun out, too. It was obvious to you he was a deputy?

[redacted] Uh --

Perry: Or you felt he was?

[redacted] I felt he was.

Perry: Right.

[redacted] Because he was telling us --

Perry: Okay.

[redacted] I didn't see a badge or anything on him.

Perry: Okay. So just real quick, once again. You guys are somewhere over here in the southwest portion because your work area is going to be where the generator and the, and that stuff is?

[redacted] Correct.

Perry: And then at, you just, you don't, the person, the man running, you didn't see him like come --

[redacted] I didn't -- he --

Perry: -- out the doors.

[redacted] Right.

Perry: He was just running towards you?

[redacted] Right. I saw him in the parking lot coming from this --

Perry: From that general direction.

[redacted] -- general direction.

Perry: Okay. And then there were deputies close behind him?

[redacted] Yeah. One was really close behind him.

Perry: Okay.

[redacted] And almost caught him.

Perry: And then the man kind of, he's running towards you guys and then he turns north and then jumps into the, the rear seat of that --

[redacted] Blue SUV.

Perry: -- blue SUV.

[redacted] Yes.

Perry: Right. And then at that, at, as the deputies are chasing are there -- do you see their guns? Or, or one gun?

[redacted] I saw --

Perry: Not all of them.

[redacted] I saw two of them with their guns out.

Perry: Okay.

[redacted] The short one that was in the, right behind the guy --

Perry: Uh-huh.

[redacted] -- and then the one that was right behind him. That deputy had his gun out, also.

Perry: Okay. And you heard verbal commands from the deputy?

[redacted] Get on the ground, get on the ground. Tase him. Put your hands up.

Perry: Okay. And when the man dove into the, the rear seat of the SUV he didn't sit up like a normal person would if they're just sitting down just --

[redacted] No. Not that I --

Perry: -- getting in the car. You couldn't see any portion of his body --

[redacted] No.

Perry: -- right?

[redacted] Because the windows were tinted.

Perry: Okay. The windows were tinted. And as you run trying to seek cover at the south portion you start to hear gunshots?

[redacted] Yes.

Perry: Okay. And then you turn back and you look north back towards where he just come --

[redacted] Yes.

Perry: -- where you had seen these people. And you see the one shorter deputy shooting and backing up taking cover behind this big Ford truck.

[redacted] Yes.

Perry: Taking cover there and there's also a group of deputies somewhere over here on the west side?

[redacted] Yes.

Perry: Who are also shooting, right?

[redacted] Yes.

Perry: Okay. And then there's an officer, well, we assume to be an officer, or a deputy, near the flag pole yelling for you guys to come this way.

[redacted] Uh-huh. Get inside.

Perry: Okay. Does the -- as you start to move inside does the gunfire stop or does it continue?

[redacted] I think it stopped when he, when we were told to go inside.

Perry: Okay. You didn't hear anymore gunshots --

[redacted] No.

Perry: -- after that.

[redacted] I, I saw him, I saw this officer --

Perry: The one at the Ford truck.

[redacted] -- reload.

Perry: That's right.

[redacted] And he came out and fired like three more times --

Perry: Uh-huh.

[redacted] -- and then went back to cover again and then that's when the gunshots stopped.

Perry: Okay. Would -- to characterize the, the, the sequence of gunshots. Would it be -- could you describe it as, was it all at one time? Were there, you know, brief pauses in, at, at certain points or to your recollection what do you think?

[redacted] I can just say from what I saw from that one officer --

Perry: Uh-huh.

[redacted] -- it was very rapid fire from all of them.

Perry: Yes.

[redacted] And then he went for cover and reloaded and came back out and three, three or four more rounds and then he went back to cover again.

Perry: You --

[redacted] And then stopped after that.

Perry: Okay. So you're primarily focused on that officer at the, at the truck and the --

[redacted] Because I was in the planter and there's like a tree --

Perry: Yes.

[redacted] -- kind of blocking my peripheral. So I could just see him.

Perry: I see. So --

[redacted] I was concentrated on, on that one.

Perry: Right. So a little bit of blocked vision to the right.

[redacted] Yeah.

Perry: You knew there were deputies there --

[redacted] Yeah.

Perry: -- you, you could --

[redacted] Because I saw, I saw how many ran after him. I don't know how many, but there were several that ran up after the guy.

Perry: And the deputies run, the, all the deputies, besides the one in the, in the sounds like civilian clothes, they were in uniform?

[redacted] Yes.

Perry: Standard deputy uniform?

[redacted] Yes.

Perry: Would you --

[redacted] Yes.

Perry: -- you know, tan, and green and --

[redacted] Uh-huh.

Perry: -- gun belts and that kind of stuff?

[redacted] Uh-huh.

Perry: Okay.

[redacted] And then as we were coming in the door we saw other officers. I knew they were officers because they had their guns like you guys have.

Perry: Uh-huh.

[redacted] But they were dressed in like dress clothes like you guys are.

Perry: A shirt and tie and --

[redacted] Yeah.

Perry: Okay. And then, and then --

[redacted] And then they just threw, threw their vests on over the top of their clothes for protection. And then they went outside, too.

Perry: Okay. Do you have any idea how many gunshots you heard? Or if it's easier, you know, more than a hundred. Less than ten. How many --

[redacted] I don't know how many, how many rounds that officer's gun holds.

Perry: But just -- no. I'm only asking for. Try not to assume. Only asking for what if, if you can. If you can put a number or a, a generality of numbers to how many gunshots you actually heard.

[redacted] I could just say several. I, I don't --

Perry: Okay.

[redacted] -- I can't make a --

Perry: Okay. That's all right.

[redacted] Several.

Perry: Many?

[redacted] Many. Not just from that one --

Perry: Right.

[redacted] -- but --

Perry: From different gunshots --

[redacted] Just from hearing --

Perry: -- different resources, right?

[redacted] Correct.

Perry: Different areas in the parking lot.

[redacted] Right.

Perry: Did all of the gunshots seem to be focused towards that blue SUV?

[redacted] Yes.

Perry: Okay. Did the sound of the gunfire, was it all essentially the same or were some -- I could say if you've never been around guns it's like a Fourth of July. If somebody lights off an M80 and its real loud and there's somebody lights off a little firecracker. It's not quite as loud. Was there a difference in any of the, the gunfire that you heard?

[redacted] I don't, I don't think. I think it was all pretty much the same sounds.

Perry: Okay.

[redacted] The same type of round going off.

Perry: And the, the person that the deputies were chasing did you ever hear that person say anything?

[redacted] No.

Perry: No. And I asked you, was he wearing a hat?

[redacted] I don't recall. I don't believe so.

Perry: Okay. We all have cell phones nowadays. Did you take any video or anything --

[redacted] No.

Perry: -- of, of the incident? I mean, it's okay if you did.

[redacted] No. I did not.

Perry: I just need to know. Okay. And did you see anybody else doing that?

[redacted] No.

Perry: Okay.

[redacted] When I was running I actually fell in the planters because I was trying to get out of there.

Perry: Yeah. I can see. I mean, it's, it's obviously it's --

[redacted] Skinned up my pants.

Perry: -- very fresh with you. Are, are you okay? I mean --

[redacted] Yeah. I'm fine.

Perry: Okay.

[redacted] Just a couple of little scrapes. These hurt worse than like a big old cut in your arm does though.

Matlock: (laughing)

Perry: (laughing) Those darn brush cuts. Scott, you got anything?

Matlock: Just initially when you, when you saw the guy running from what we believe to be the, the, you know, the front door area. Did he look like he was running right for the truck or the SUV or did he kind of run like hey, I'm a little lost. I don't know which way to go and then kind of go to the truck?

[redacted] He looked like he didn't know what he was going to do and then all of a sudden --

Matlock: He kind of like maybe ran westerly through the parking lot and then like realized because of the way the parking lot is designed I'm not getting out of here so let me go to the truck?

[redacted] Yeah.

Matlock: Okay. And, like you said, he got to the truck. Kind of, his hands slipped off the, the door handle one time --

[redacted] Uh-huh.

Matlock: Was -- did he manipulate any kind of keys or an alarm or --

[redacted] No.

Matlock: -- anything like that? Okay. So are you believing that it was, the truck was already unlocked?

[redacted] Yeah. But I don't know if anybody was in, in it, if there was anybody else in the truck or not, but it --

Matlock: Okay.

[redacted] -- I'm assuming it was unlocked because he just --

Matlock: Okay.

[redacted] -- at the end second try he, he opened the second try.

Matlock: Okay. And, and I know we're talking about seconds here so if you don't know then just you don't know. He opens the door. He jumps inside. Before the shooting occurred did you hear the deputies say anything to -- did you hear any deputies say anything to, directed towards the other, any other deputies?

[redacted] Just once, just, I heard tase him.

Matlock: Right.

[redacted] And then --

Matlock: But that was before he got in the car, right?

[redacted] Right.

Matlock: Once he got --

[redacted] That was on, that was on his way to get in the car.

Matlock: Right, right.

[redacted] He --

Matlock: Once he --

[redacted] He --

Matlock: -- he was in the car was there any direction?

[redacted] This is the car.

Matlock: Okay.

[redacted] He, he got about right here. They said tase him and then he turned right.

Matlock: Okay.

[redacted] At the same time.

Perry: So he was just five or six feet from the front of the car?

[redacted] Right.

Perry: Or so when it happened?

[redacted] Right.

Perry: Or when, when you heard that.

Matlock: But once, once he got inside of the car and I said, like I said, I know it was probably less than ten seconds between when he got in the car and the shooting started, was there, did you hear anything that was said by deputies once he got in the car?

[redacted] Somebody said shoot him. And I don't know who it was.

Matlock: So you don't know if that was a deputy --

[redacted] I don't know if it was a deputy. No. I just heard shoot him.

Matlock: Okay. Did you see what, and I know you said you had a pretty limited view of, because you were pretty much against the building, right?

[redacted] Uh-huh.

Matlock: And, and the bushes. So the only view you probably could have would have been maybe head on through the windshield?

[redacted] I was, I was --

Matlock: Or, or were you too far?

[redacted] I was over to the, to the, over to the west of where the, the car was.

Matlock: Okay.

[redacted] So I have, I could see the front fender.

Matlock: Okay.

[redacted] And I could see through the windshield, but it's, you couldn't see any light because the, the side and the back were tinted --

Matlock: Right.

[redacted] -- so black you can't see.

Matlock: So you couldn't see if he was in there? You couldn't see what he was doing?

[redacted] No.

Matlock: Okay.



Perry: When you heard the, the, you heard the words shoot him was there, was there anything else in conjunction with that? Was there and I, and I apologize. I know I'm asking kind of a broad question because I don't want to just, I don't want to imply anything to you. Okay? What are the words did you hear around the, the -- were there still the commands going on? Were there --

[redacted] Let me see your hands. Let me see your hands.

Perry: Okay.

[redacted] That was just the, the short deputy when he got in the truck. Let me see your hands, let me see your hands. Because the other, but he had his gun out already chasing him.

Perry: Did anybody, did, was there ever anything said about he's got a gun or --

[redacted] No. I didn't hear that. He didn't --

Perry: -- or --

[redacted] -- he, he didn't have nothing in his hands.

Perry: Okay.

[redacted] When I saw him.

Perry: When you saw him running. Right?

[redacted] Right.

Perry: Right.

[redacted] What he had in the truck, I don't know.

Perry: Right.

[redacted] When I saw him running to get in the car he had nothing in his hands.

Perry: Right. Right. And to be certain there was no shooting prior to him getting into the car, right?

[redacted] No shots were fired --

Perry: Just after he got in?

[redacted] -- no shots were fired until he got in the car and he couldn't be seen anymore.

Perry: Right. Okay. Okay.

Matlock: I'm good.

Male Voice: Question. When you said you ran to, near the bushes, near the building and you said your vision was somewhat obscured east of, of where the vehicle was located. And you mentioned something about a possible cross fire. Did you actually see --

[redacted] No.

Male Voice: -- where the deputies were?

[redacted] I saw the one, the one shorter deputy and I, I couldn't really see where they were. I just saw the one that was telling us to get inside.

Male Voice: Okay. So you're not sure if there was a cross --

[redacted] No, no.

Male Voice: Okay.

[redacted] Maybe I shouldn't have said that word.

Male Voice: Okay. One more thing. You said that the deputies were chasing him.

[redacted] Yeah.

Male Voice: Approximately how far away were they when they were chasing him, would you say?

[redacted] The shorter deputy was probably ten feet behind him until he tried to get in the car and then there was, like six or seven feet behind him.

Male Voice: Okay. And you said and were there other deputies with the shorter --

[redacted] There were other deputies right behind the shorter deputy.

Male Voice: Okay.

Matlock: No. I'm good.

Male Voice: Thank you.

[redacted] Thank you.

Matlock: All right. That will conclude our interview at 1553 hours.

JL
Cron & Associates Transcription 714-573-7172

WITNESS [redacted]

WITNESS INTERVIEW:

[redacted]

Matlock: This is Scott Matlock with L.A. County Sheriff's Homicide with Sergeant Ken Perry, also from Sheriff's Homicide. Sergeant Easter. Is that correct?

Easter: Internal Affairs.

Matlock: From Internal Affairs.

Easter: Uh-huh.

Matlock: We're at Temple Sheriff's Station investigating a deputy involved shooting. Today is Monday, March 20th, 2017 under sheriff's file number 017-03249-0522-013. And we are interviewing [redacted] Birthday of [redacted]

[redacted] [redacted]

Matlock: [redacted] I'm sorry. [redacted] What time did you get here today, [redacted]

[redacted] I got here about two minutes to 7:00.

Matlock: Okay. And you guys are here for what exactly?

[redacted] We are working with the [redacted] to upgrade the, the tower up front to, it's called L.M.R., Land Mobile Radio, for police and fire.

Matlock: Okay. There was obviously an incident here today. Why don't you describe how this incident, how you were, how your attention was drawn to this incident.

[redacted] Well, like I said. I got here about seven o'clock and as soon as I pull in I saw [redacted] one of the other witnesses, and I've known him from other sites. He's our biologist.

Matlock: Okay.

[redacted] And I saw that there were a few deputies talking to him because he's out looking at stuff with his binoculars, which looks a little odd at a sheriff's station. So I went over there and talked to him and the deputy and I.D.'d myself, and just to back up his story. His story, out looking for birds and

stuff, which is what he does on our sites. And everything was cool and then the deputies then after went back inside. And then the, the other two guys, [redacted] and [redacted] came up. Identified themselves that they were going to, they were working on the site today. See, my company that I represent is a contractor and these guys are subs.

Matlock: Okay.

[redacted] We're working on this L.M.R. antenna out front. And so we got to talking to them and they, they started going over to -- while we're talking I noticed that blue, blue SUV come in. And I saw other people come in. I saw a, a, a child custody exchange going on with somebody else. Then this guy comes in and he backs in a couple of spaces from my truck. Thinking nothing of it because I know, you know, you're open 24/7. He got out and he put his black cowboy hat on. So I knew he wasn't one of our guys, you know. And he walked in and then I went and, you know, talked with the subs about their daily work and such. And I even looked at like -- and you've got the electrical vehicle parking over there. So and there were a couple of cars there and we needed to get them out eventually. So one of them left so I got my cones out and I coned out the parking lot for our work area to keep people away from parking over there. And while I'm right amongst the cones, you know, laid out, my attention is drawn to the front door of the, of the sheriff. I said fire station. I'm a retired firefighter. To the police station.

Matlock: (INAUDIBLE).

[redacted] Ha, ha. And I see this guy bolting out of the front of the station. And it's the guy with the black cowboy hat. And he cleared, he clears the steps. He's in the parking lot and I would say there were five or six deputies following him. I mean, they weren't at a, a run, but they were like following him out just like they wanted him, but they weren't on a, on a full sprint like the cowboy hat guy was. And as he was running I could see his eyes were huge. Like, like full of excitement. They were huge. And, and his head tilted back a little bit, I think, because that cowboy hat had such a big brim on it, it took his hat back and I think he used his left hand and tossed it off. And then he was running and then he kind of veered off to the right toward his car. To the opposite side of his car.

Matlock: Okay.

[redacted] And then I think the deputies kind of sped up a little bit when they saw he was going toward a car and he opened the right rear door. And right then the kind of deputies were around both sides and then, and I heard somebody say tase him, tase him. And then the guy got in, opened the right rear door of the car and started getting in. And as he got in the car

and, and I don't know if the door didn't shut all the way. I don't know if it caught in his leg or if a deputy got right there and held it open.

Matlock: Okay.

[redacted] And right then around that time was, after the tase, I think somebody said shoot him. And at, you know, there are multiple commands going on and, and I started moving away from the car and then I -- as my back was turned, moving away, I probably heard fifteen to twenty gunshots.

Matlock: Okay.

[redacted] And they were all like the same caliber. The same tone. So then I told my guys, you know, come on, go over, over toward the antenna and the bushes. And then there was probably -- and I got behind the electrical vehicle. There was probably a ten, fifteen second space and then when I got behind the, the electrical vehicle that was parked there, there was probably another ten to fifteen gunshots.

Matlock: Okay.

[redacted] And then obviously more people came out of the station. More of your personnel came out. And then there was somebody a few spaces over by the handicap and said all right, you guys, come on, come on, come on. So I got all my guys and we went along the curb and we all got into the station that way. That was --

Matlock: I'm going to take you all the way back to the beginning now.

[redacted] Okay.

Matlock: When, what's your biologist? [redacted] 

[redacted] Yes.

Matlock: When [redacted] was out there with the binoculars, you showed up, you're explaining to the deputies, hey, this is our (INAUDIBLE).

[redacted] Yeah.

Matlock: How many deputies came out and were talking to you guys?

[redacted] One. One, a two-striper was out there talking to [redacted] at, at the sidewalk in the driveway.

Matlock: Okay.

[redacted] And then I saw two others and I want to say they were, I think either they had two or three stripes. Yeah. I was guessing they were like the desk or the watch commander. They were kind of hanging around the front door while or they were out here and then that's when I came around and I, I just got my security badge clearance from the sheriff's the other day. I showed it to them.

Matlock: Okay.

[redacted] To show I was legit and then I showed them my fire I.D. and I said, you know, we're doing this project. He's legit and I B.S.'d with that deputy just for a minute.

Matlock: Okay.

[redacted] And I told him, you know, what our work hours were going to be. How long we were going to be here and all that good -- and he was saying that he knew nothing about, the station personnel didn't know anything about us coming today and this and that. And I told him who my contact was and he should have let you know and this and that. So there was only one out there at the street, at the sidewalk.

Matlock: Okay.

[redacted] Of the driveway. And then one stayed up on the, by the front door. The other kind of walked out a little bit. I don't know if he went out there and came back or -- there were three of them total.

Matlock: Okay. And did they all walk back into the station eventually before this incident occurred?

[redacted] Yes.

Matlock: Okay.

[redacted] Well, they -- I didn't pay attention to them anymore. I went back and did my thing, but I'm sure they were all gone.

Matlock: And your truck is the gray Super Duty --

[redacted] Yes.

Matlock: -- F --

[redacted] 250.

Matlock: -- 250 that is parked next to the blue --

[redacted] Yes.

Matlock: -- SUV that the --

[redacted] Yes.

Matlock: -- the gentlemen got into. Okay. You said you saw him pull in, right?

[redacted] Yes.

Matlock: And he backed in.

[redacted] Yes.

Matlock: He, when he was walking from his car to the station did he have any kind of demeanor that seemed noticeable to you at all? I mean --

[redacted] No. No. He was just strolling into the station. Yeah. But, but the only thing I did notice is that he, he put his cowboy hat on. And that's how I knew he wasn't one of our contractors. Because this is the first day of this build.

Matlock: Yeah.

[redacted] So I don't know the contractors.

Matlock: Okay.

[redacted] And that's when I knew he wasn't --

Matlock: Contractors don't wear cowboy hats?

[redacted] No. No. Hard hats and vests.

Matlock: (laughing) That will work. He comes running out of the station is when you first notice him again?

[redacted] Yup.

Matlock: When he comes running out are the deputies giving commands then, also?

[redacted] No. No. He came running out and just and it wasn't a jog or anything. He was a full out run.

Matlock: Like he was trying to get away?

[redacted] I -- yeah. And I saw his eyes were huge so I knew he was excited and then the deputies came out and they all came out kind of together like well, I mean, I, I could, I've got my own suppositions, but they all kind of came out together, but they weren't like, you know, at a full sprint, you know? They were just kind of like, they were going to go get him, but not at his speed kind of deal.

Matlock: Okay. When he came running out is it your opinion that did he run right for the truck? His truck? Or was it more like hey, I'm running to get away. Hey, I don't really know the way out of this parking lot.

[redacted] I --

Matlock: You know what I mean?

[redacted] Yes. Well, I, I can't answer that, but what I will say is that and I, and I'm going to say he might have been wearing some hard shoes or boots or something only because he was running so fast he only, he kind of was going too fast to catch the door.

Matlock: Okay.

[redacted] So he kind of had to stop and come back.

Matlock: Okay.

[redacted] Like he wanted to get there, but his body was moving too fast --

Matlock: Sure.

[redacted] -- to get in the car.

Matlock: Okay.

[redacted] And what surprised me the most that I knew something was up with him was he went to the right rear door. If somebody is trying to escape --

Matlock: And I'm sorry, and I'm sorry -- when you say right rear do you mean right rear, do you mean passenger side?

[redacted] Yes.

Matlock: Rear door?

[redacted] Because he's backed in.

Matlock: Okay. Right.

[redacted] So it's going to be around the opposite side.

Matlock: Right.

[redacted] And he got in the back seat of the car, which is odd to me.

Matlock: Yeah. What did you think when he did that?

[redacted] Uh --

Matlock: Like you, did you say to yourself --

[redacted] Well, and, and I'll tell you why I think this is, is, I got fifteen years prior law enforcement.

Matlock: Okay.

[redacted] And I thought that is weird. Not only is he running so quickly and excited with five or six deputies behind him, he's going to the right rear of this SUV. Which is totally inappropriate. So in me, I would say he's going for a weapon.

Matlock: Okay. He's obviously not trying to get in the car and drive away?

[redacted] No.

Matlock: Okay. And so when was the first time you heard the deputies make any commands?

[redacted] When he got, when he kind of veered off to the car.

Matlock: Okay.

[redacted] And he started getting in the car.

Matlock: All right.

[redacted] That's when I heard they got more excited.

Matlock: Okay. And then when he was in the car or when he was getting into the car and once he had gotten into the car were there also commands?

[redacted] Oh, yeah.

Matlock: From the deputies?

[redacted] That's when the --

Matlock: Did the deputies seem like that they're --

[redacted] Excited?

Matlock: Well --

[redacted] They were (INAUDIBLE).

Matlock: Yeah. A little more heightened?

[redacted] Yes.

Matlock: Their commands?

[redacted] Yes.

Perry: What kind of commands?

[redacted] I don't remember hearing the ones directly toward him like stop, hands up kind of stuff. It was more of -- the one that I remember was like tase him, tase him. And then I looked at where he was and I thought he's not in a good position to get tased because he was kind of behind the door getting in already by that time.

Matlock: Yeah.

[redacted] And then shortly after that, after he got in the car, I think he was trying to close the door, but either it got caught on his leg or a deputy was right there and then, and then there was some commands to shoot him, shoot him.

Perry: Okay.

Matlock: And after you heard those commands shoot him, shoot him, how much time passed before you actually heard some gunshots?

[redacted] I would say seconds.

Matlock: Seconds?

[redacted] Yeah.

Matlock: Less than five?

[redacted] I would say so.

Matlock: And you said you heard about ten to fifteen gunshots?

[redacted] That was about, I'd say fifteen to twenty. Like the first volley was fifteen. The second one was ten to fifteen.

Matlock: Okay. On the first volley -- you have gun knowledge?

[redacted] Yes.

Matlock: Are you a shooter? Okay. Do you think those all came from one gun?

[redacted] I would say, I would say no.

Matlock: Okay.

[redacted] No.

Matlock: Just because of the rapid succession?

[redacted] And what had reminded me, I was a range master for quite a few years.

Matlock: Okay.

[redacted] And what it reminded is I was on the range.

Matlock: Okay.

[redacted] And multiple guys were shooting.

Matlock: Okay.

[redacted] Is what it sounded like to me.

Matlock: And after that fifteen to twenty round volley did you hear, hear any conversation at all between deputies or more commands towards the suspect?

[redacted] I don't recall. I think there were some, you know, the excitement of, but I don't remember what they were.

Matlock: Okay.

[redacted] I mean, it wasn't like silence. Like nobody stopped talking.

Matlock: Sure.

[redacted] But I don't remember what it was. Because I was getting, I was moving out of there.

Matlock: And on the second volley of ten to fifteen, also a single shooter? Multiple shooters?

[redacted] I would -- I can't tell you. I can't, I, I can't tell you as much there. I would only, I would guess that it was more than one.

Matlock: Okay.

[redacted] But I don't know. The first ones for sure it was multiple.

Matlock: And did it all sound like handgun fire to you?

[redacted] Yes. It was all consistent noise.

Matlock: Okay.

[redacted] Like it's the same --

Matlock: Same caliber?

[redacted] Yes.

Matlock: Okay.

[redacted] Same load.

Matlock: Okay. Ken?

Perry: Yeah. Just a couple of things. [redacted] the deputies that are, that are -- you see the guy running and he's full tilt, right?

[redacted] Uh-huh.

Perry: And then the deputies are coming out. Does it look like, just trying to characterize their movements. They're not in a full run after him?

[redacted] No.

Perry: Do they kind of, do they stay bunched up? Do they spread out?

[redacted] What I saw was that they all kind of came up as a -- one, I saw him. He's just like this. And then I, I -- so I was more in a straight line so they were kind of behind so they were in my field of view and they all came, came out together. Like I said, there was probably, it seemed like there were five or six.

Perry: Uh-huh.

[redacted] And I looked at his hands and I saw he didn't have anything in them. And I kind of looked at the deputies to see what their posture was.

Perry: Uh-huh.

[redacted] And I didn't see, I think they might have had their hands on their gun, but not gun in hand.

Perry: So no weapons drawn?

[redacted] Not that I noticed.

Perry: Okay. And did they --

[redacted] Not to say there wasn't, but I didn't notice it.

Perry: Sure.

[redacted] Because he took most of my attention because I was looking at him.

Perry: If you -- the logical progression was, is that was, maybe going to happen, but at that point that that, maybe looking at it. There's not six guns pointed at him --

[redacted] No.

Perry: -- which would have also been pointed at you, which I assume if you would have noticed?

[redacted] No. That --

Perry: Okay.

[redacted] I want to say their hands were down around their waist. The deputies. But they weren't like guns out and stuff like that.

Perry: Okay.

[redacted] Like I said, they came out. From what I saw they weren't, the, the door didn't blow open and they weren't in a full sprint like this guy was. They, they kind of came out together, which made me think, you know, I don't know what happened inside. So it's like, to me, from my experience, is like, they all kind of waited for -- they knew something was going on in the lobby so they got some back-up.

Perry: Uh-huh.

[redacted] And when that back-up came is when this progressed.

Perry: Okay.

[redacted] Like maybe the guy thought oh, shit. They know something now. I'm gone.

Perry: And when the guy veers towards his truck, like you described it, like he's almost going too fast. He overshot the door --

[redacted] Yes.

Perry: -- to almost to get the door open?

[redacted] Uh-huh.

Perry: Was there, were there any deputies close at hand?

[redacted] Well, again, I was looking -- now he crossed my vision and I'm looking over this way at the cars and the deputies are over here. So I'm looking at him where I saw him kind of pass the car because he's going too fast and then he came back and he was getting in.

Perry: Uh-huh.

[redacted] And that's when I, I told you I, I don't know what everybody was doing, but I don't know if his, the door got caught on his leg. Because I don't think it's closed all the way. Or a deputy grabbed it and it was right there. And then right there I noticed there were like someone on the right front and someone on the left front of the car.

Perry: So there were deputies close to the car --

[redacted] Oh, yeah. They --

Perry: -- at that point.

[redacted] -- yeah. They moved there quickly.

Perry: Okay. And when the guy got in the car, the guy that was running from the deputies, when he got into the car, did he get in and sit down like you would normally to go somewhere or did --

[redacted] I couldn't see because the windows were tinted.

Perry: Okay.

[redacted] And, and then when I, you know, I've had nine hours to think about it.

Perry: Right.

[redacted] But I kind of think, I thought it was kind of odd that he flipped his hat off.

Perry: Uh-huh.

[redacted] And I got to thinking well, I wonder if he flipped his hat off because he knew he was going to get in the car and it would get in the way for him to get in.

Perry: Maybe so.

[redacted] And that's -- so that's --

Perry: And your perspective is kind of at that point still towards where the generator and the --

[redacted] I was actually, I was actually --

Perry: -- kind of --

[redacted] -- kind of in the middle of those cones.

Perry: So the --

[redacted] I put those cones out.

Perry: -- those, those two electric car parking spots?

[redacted] No. The -- I put four cones across the parking lot before this thing ever happened.

Perry: Oh, is it. Okay. And they never took them until we got there.

[redacted] There was a squad, the, the squad truck came through.

Perry: Yeah. (INAUDIBLE).

[redacted] But, but they were, if you, you know, look on the aerial news --

Perry: Yeah.

[redacted] It will show them there before all that stuff happened.

Perry: So initially when he comes running out, this is my very poor drawing of the parking lot. This is the entry off of Las Tunas. This would be the front door of the station.

[redacted] Yes.

Perry: That's your truck there.

[redacted] Yes.

Perry: And that's that --

[redacted] I was standing right about in here.

Perry: So kind of right in the middle?

[redacted] Yeah. So the front door and him and the deputies were all in line here.

Perry: Okay.

[redacted] And then he came in this direction around here.

Perry: And then --

[redacted] And then after that fifteen to twenty volley here I, I, when they start to say, when they said shoot him or whatever and gunfire started, I moved this way and I got behind this car as I was telling these guys to move over, out of here. Because they were standing around here where this generator and the car.

Perry: Okay.

[redacted] So they went back and hid in the bushes. I stood, or I hid behind here so I didn't get shot and then that's when the, the second volley went off.

Perry: Okay.

[redacted] And then there was a, a, a plain, a guy in civilian clothes over here with a vest on and he's the one that said come on, go this way. And that's when we went inside.

Perry: Okay. Was the -- sorry. We go through so many of these --

[redacted] Uh-huh.

Perry: -- and did you, did you see any of the officers actually fire their guns? I mean, not that you could say which one, but did --

[redacted] No. I didn't stand there and, and watch them.

Perry: So you were moving away --

[redacted] Yes.

Perry: -- as you hear the gunshots?

[redacted] Yes.

Perry: Okay. So you move, started moving away --

[redacted] Once I heard, I heard the shooting going on --

Perry: Yeah.

[redacted] -- I turned to my right and went into the, into the planter.

Perry: You went that way as you, you, your experience told you that this bad shit is going to happen --

[redacted] Yes.

Perry: -- I need to get out of here.

[redacted] Yes.

Perry: And as you're moving away you hear the gunshots?

[redacted] Yes.

Perry: Okay. Did you ever turn around and see anybody shooting?

[redacted] No.

Perry: Okay.

[redacted] No. I stayed down because I didn't --

Perry: Behind that, behind that empty storage spot or --

[redacted] There was going to be so much fire and if I, if that suspect was shooting I knew I would be in his line of --

Perry: Right.

[redacted] -- fire.

Matlock: And you went to the planter near, nearest to the building?

[redacted] Yeah. I went along the, along the wall of the tower --

Matlock: Okay.

[redacted] -- at first with those guys back there and I go there's no protection here. So then I went over behind the electric vehicle.

Matlock: Okay.

[redacted] For the second volley.

Perry: And if the initial volley is fifteen to twenty shots, you're taking shelter, and then you're staying down. You said there's about a ten second pause?

[redacted] I'm guessing. It --

Perry: So an estimate --

[redacted] -- ten, ten fifteen second pause.

Perry: And then about another ten to fifteen?

[redacted] Yes. That would be my guess. Yeah.

Perry: Okay.

[redacted] And, again, I didn't look. I think even the window of that electric vehicle might have been tinted in the back, but I was down lying low.

Perry: Doing the right thing staying out of the, staying out of the line of fire. And I know you said you heard a, the deputy say something to the effect of tase him, tase him.

[redacted] That's what I, a couple -- yeah. I heard that two to three times.

Perry: And then also shoot him?

[redacted] Yes.

Perry: Were there other commands, but you don't recollect where they were or --

[redacted] You know --

Perry: -- if you heard them or --

[redacted] They could have happened. I don't remember them.

Perry: Okay.

[redacted] Again, I -- this was a little exciting to me, too.

Perry: Sure.

[redacted] You know when I, I've been out of the business --

Perry: Everybody there, I'm sure.

[redacted] -- long enough.

Perry: Yeah.

[redacted] Too long. And it's like I don't want to be in that shit anymore, but I knew there, you know, he, being from the line of work, everybody's always yelling. Somebody's -- there's not like one guy who takes command. Everybody yells and everybody yells. So there could have been other commands in the mix --

Perry: Right.

[redacted] -- but I didn't hear the usual hands up, you know. Let me see your hands kind of thing.

Perry: Okay.

[redacted] I think it happened really fast. Especially with him crawling in the back of the car with the tinted windows.

Perry: Right. Okay. And just real quick, [redacted] What, what is your law enforcement experience?

[redacted] I was a, an [redacted] with [redacted] for fifteen years.

Perry: Okay.

[redacted] And I, I made [redacted] and after fifteen years I became a fireman. [redacted] for nineteen.

Perry: Wow.

[redacted] So I'm very familiar with gunfire and shooting --

Matlock: Did you --

[redacted] And I, I never got in a shooting. So here I am out of the business for 23 years and right there. With nothing, you know. It's almost like being off-duty.

Perry: Yup.

[redacted] And getting something --

Matlock: Do you go to [redacted]

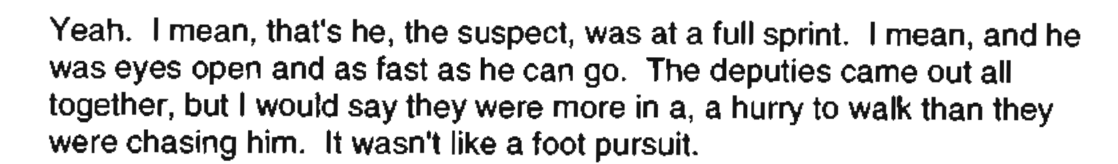
[redacted] I did.

Matlock: Oh, okay. Okay. I'm good.

Easter: A couple of questions and -- you said you saw five to six deputies following the gentlemen as he was, as he sprinted out of the, the area?

[redacted] When he came out of the front door. Yeah.

Easter: Okay. Were they walking or --



[redacted] Yeah. I mean, that's he, the suspect, was at a full sprint. I mean, and he was eyes open and as fast as he can go. The deputies came out all together, but I would say they were more in a, a hurry to walk than they were chasing him. It wasn't like a foot pursuit.

Easter: Okay. At any time did you observe any cross fires?

[redacted] No. Because I didn't watch. I didn't watch the shooting. I only heard it.

Easter: Okay. Thank you.

Matlock: Okay. Good?

Perry: Is there anything we didn't ask you there, [redacted]

[redacted] No.

Perry: That you can tell us?

[redacted] No.

Perry: Okay. Thank you, sir.

Matlock: We'll conclude our interview at 1622 hours.

JL
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WITNESS [redacted]

WITNESS INTERVIEW:

[redacted]

Morales: My name is Sergeant Morales. I work for Sheriff's Homicide.

[redacted] [redacted] (INAUDIBLE) as well.

Morales: Before we get started, let me get some of your horsepower here. It is March 20th, and we're going with 1530, 35.

Black: 1535.

Morales: What's your last name, sir?

[redacted] [redacted]

Morales: First name?

[redacted] [redacted]

Morales: And your middle name?

[redacted] [redacted]

Morales: What's your birth date?

[redacted] [redacted]

Morales: And your home address?

[redacted] [redacted] that's who words. [redacted]

Morales: [redacted]

[redacted] [redacted] and that's [redacted]

Morales: [redacted] What's your cell number?

[redacted] [redacted].

Morales: And where do you work at?

[redacted] For [redacted]

Morales: [redacted]

[redacted] Yeah. [redacted] That's who we were here for this morning.

Morales: What's the telephone number over there?

[redacted] [redacted]

Morales: [redacted]

[redacted] [redacted]

Morales: Okay. And on today's date where were you at when this all happened?

[redacted] So basically this morning when this all happened I was with my backhoe operator who was --

Morales: Well, let me, let me first ask you. Are you, were you working as part of your, your job here? Your -- for --

[redacted] I'm, I'm [redacted], I'm [redacted] I came to just check on the job. Get things going.

Morales: Where was the job located at?

[redacted] Basically in your parking lot where everything occurred. We were going to be removing the generator pad. That's all the way over to, I guess that would be the west side of the parking lot.

Morales: Okay. And what time did you, do, did you arrive?

[redacted] I arrived at about seven o'clock.

Morales: Okay.

[redacted] Right about seven o'clock on the nose.

Morales: Okay. In the morning?

[redacted] Uh-huh.

Morales: And who was supposed to be here at the job?

[redacted] Basically a gentlemen, [redacted] from [redacted] who he, we found was running a couple of minutes behind and whenever all the melee was going on I called off him and two others.

Morales: So he wasn't here when this all happened?

[redacted] He wasn't here. Yeah. We were actually waiting for him.

Morales: So, so when you arrived who was, who was here?

[redacted] The gentlemen, I believe, his name is [redacted] from [redacted] who is one of the last guys waiting in the room right now, and then another gentlemen that does the, I don't know his name, but he does the (INAUDIBLE), training to be able to do these projects. Basically it's a little hour long environmental training course.

Morales: Okay.

[redacted] So he was just here as well to check on it.

Morales: So what was going on? What -- well, you guys were waiting for --

[redacted] So we --

Morales: -- the last guy to show up?

[redacted] Yeah. We were waiting for the last guy to show up. We just started taking a look at the little generator area that we were going to do some saw cutting on and do some demo. I guess a generator was being removed and taken to a different area.

Morales: Okay.

[redacted] So we were just barely just taking a look at that corner and then all of a sudden we hear a, just hear a guy yelling tase him. Basically one of the cops and that's when we turned around and the guy was basically running directly towards us. Kind of saw everybody that was there and took another direction, which is when he went and jumped in the SUV.

Morales: Okay. Okay. So let me just slow you down.

[redacted] Uh-huh.

Morales: So you, the other two guys were on, were on that generator pad?

[redacted] Actually a total of four guys. Me with one guy from my company and then the two other gentlemen that were --

Morales: Who was the guy from your company?

[redacted] [redacted] his name is.

Morales: Now is [redacted] also in the briefing room waiting for us, too?

[redacted] He's actually being interviewed by the other crew of interviewers at the moment.

Morales: Okay. You guys were there and, by the generator pad, which is on the west side of the parking lot --

[redacted] Yeah. On the west --

Morales: -- and that's the front parking lot of the station?

[redacted] Yeah. The parking lot where everything went down in.

Morales: Okay. Was your vehicle parked on that parking lot parking lot?

[redacted] My vehicle was actually right next door in the K-Mart parking lot. I knew we were going to, a couple of minutes from after I got there, about a half hour, I had a saw truck and a compressor truck coming in and I knew it was a relatively small parking lot so I didn't want to get in the way --

Morales: Okay.

[redacted] -- so I just parked over at the K-Mart parking lot.

Morales: So the first point that you, your attention was drawn to this incident is you heard someone say tase him?

[redacted] Yeah. Because basically we had our back to the front door at that point because we were looking in the corner at our work, you know. So I heard that and that's what drew our attention. We all turned around and at that point --

Morales: You saw, you saw a person running?

[redacted] The person was running.

Morales: From, running in what direction?

[redacted] From the front door of coming into the building and kind of running basically kind of into a wall where he was going to have nowhere to go. He ran out and he kind of saw us there and that's when he kind of --

Morales: Do you know what direction that would, would have been?

[redacted] I guess he would have came out, it would be northwesterly.

Morales: So he ran in a northwesterly direction?

[redacted] Uh-huh.

Morales: And which is kind of towards your direction --

[redacted] Yeah.

Morales: -- or going to be.

[redacted] Yeah. So he came out and he like, we like kind of saw him and he actually went off to the right a little bit, which then led him to the SUV that he eventually jumped into.

Morales: When you first saw him do you know what he was wearing?

[redacted] You know what? I don't know what he was wearing. I want to say I remember him in like a dark blue sweatshirt and dark blue pants.

Morales: Okay.

[redacted] I didn't notice anything in his hands or anything.

Morales: Was he Hispanic? White? Black?

[redacted] I noticed, from what I remember, I remember him being more on the white side. Possibly a little bit of Hispanic heritage, but not, you know, just kind of --

Morales: Yeah.

[redacted] -- kind of like me.

Morales: Was he wearing a hat? No hat?

[redacted] I don't remember a hat.

Morales: Okay. Do you see anything in his hands?

[redacted] I did not see anything in his hands.

Morales: Okay.

[redacted] At that time.

Morales: All right. So you saw him running in a northwesterly direction. Did you see anyone chasing after him?

[redacted] Yes. That's when the first officer came out of the building, which was, he was, I mean, literally maybe ten feet, fifteen feet behind him, you know.

Morales: Okay.

[redacted] It was all a real quick process.

Morales: Do, can you describe what that person looks like?

[redacted] What the officer was?

Morales: Yeah.

[redacted] I believe he was a shorter gentlemen. I believe he was of Asian descent.

Morales: Okay.

[redacted] The first cop that came out. I know there was a guy that had the taser and then another cop was out shortly behind him and I guess he was a little too far up with the taser so that quickly became option number two.

Morales: So you first saw the Asian deputy first --

[redacted] Uh-huh.

Morales: -- chasing after and he, you say he's about ten to fifteen feet behind him?

[redacted] Yeah. Yeah.

Morales: And then you saw a second deputy behind them?

[redacted] Which was probably about five to ten feet behind the first cop.

Morales: Do you know what the second deputy looked like?

[redacted] I don't remember what he looked like. I just remember the first deputy had a taser drawn and the second deputy had a gun drawn.

Morales: Okay. So the first deputy, who was the Asian one, had a taser drawn?

[redacted] That's -- yeah.

Morales: What -- and the second deputy had his, his handgun drawn?

[redacted] Yes.

Morales: Okay. Now the third deputy you rec, remember what he looks like?

[redacted] You know what, at that point this is -- so at this point he had jumped in the truck and they basically unloaded a full clip and we all kind of took cover. So at that point I was in the bushes behind a tree and --

Morales: I got you. Now when you saw the, the guy that was dressed in the blue sweatshirt, blue pants --

[redacted] Uh-huh.

Morales: -- you say he looked, liked kind of white. You said he got into a, a vehicle. Can you remember what kind of vehicle that was?

[redacted] Yes. It was a Trailblazer for sure. I want to say it was dark blue if --

Morales: Dark blue?

[redacted] -- I remember correctly.

Morales: Do you remember what, how the vehicle was parked?

[redacted] Yes. It was backed --

Morales: What, what, what --

[redacted] It was backed in.

Morales: Backed in. Was it on the south side of the --

[redacted] It was, it was backed in on the north side of the parking lot. So I guess the street side of the parking lot.

Morales: Did he get into the driver's side? The passenger side?

[redacted] He attempted to get into the passenger front door first.

Morales: Okay.

[redacted] It was locked. I remember seeing him struggle with that and then quickly thereafter he jumped right to the back one and that's the door that opened and that's when he jumped in the back seat of the, of the SUV.

Morales: Okay. When he jumped in the back seat what did you next see?

[redacted] At that point it was all really actually real tinted and at that point they basically unloaded that first clip and at that point I think everybody was just not sure because nobody knew what kind of threat he was still presenting, you know? Nobody knew what he may have had in that back seat --

Morales: Okay.

[redacted] -- or what he may have had on him.

Morales: So were you able to see what he --

[redacted] I couldn't see anything at that point any further.

Morales: When he actually -- now you're talking about when, after he took to the --

[redacted] After he got into the SUV.

Morales: You didn't see what he was doing?

[redacted] No.

Morales: Or can see what he was doing?

[redacted] No.

Morales: Did you hear anything as far as any commands the deputies were giving this guy? Other than the, the tasing?

[redacted] You know, I don't really remember. I know it was kind of a melee and a lot of stuff going on, but I don't remember any direct like drop your weapon type. Anything like that.

Morales: Okay. Did you hear anyone yell anything else? Gun or anything like that?

[redacted] You know, there, there -- yeah. At that point they were actually -- because we pulled up and then the, the, I believe it was the second or third officer that came out. He came out and he was like right at the big palm tree right by the front and we were just meanwhile the three or four construction guys that we were kind of in the corner. So he quickly, at that point, ushered us in to where they ended up putting us --

Morales: Okay.

[redacted] -- in the conference room.

Morales: Now I didn't ask you this. The, the three deputies that came out and were chasing after him. How were they dressed?

[redacted] They were all in their, they were all in their standard uniform that I've seen always.

Morales: Was that a, a gray or tan shirt?

[redacted] A tan shirt and the --

Morales: With patches on the side?

[redacted] Yeah. With what I believe a darker green or brown slacks.

Morales: Okay. And they had like a gun belt --

[redacted] Yeah.

Morales: -- around them? Each one of them had this?

[redacted] Each one of them that I recall.

Morales: Okay. So it was pretty identifiable that they --

[redacted] Oh, definitely. Yeah.

Morales: -- they were, they were law enforcement?

[redacted] Yeah.

Morales: Okay. Do you remember the, the Asian deputy that had a taser where he was positioned at? When you heard these gunshots?

[redacted] You know, when I heard, originally he came out and he basically almost followed the guy right to the truck. He probably stopped about ten feet shy once the guy actually got into the truck.

Morales: Okay. So was he on the --

[redacted] He was on the -- from the layout that I told you it was kind of parked, he would have been on the front side passenger.

Morales: Of the Trailblazer?

[redacted] Of the Trailblazer. Yeah.

Morales: The second deputy that was behind the Asian deputy.

[redacted] Uh-huh.

Morales: Do you know where he was position, positioned at?

[redacted] You know, I couldn't say that for sure. I don't know if the second one that came out was the guy that was kind of posted up behind the palm tree and eventually kind of ushered us back in, but I would, I wouldn't be giving a, a, you know, I, I --

Morales: You're not sure?

[redacted] Yeah. I couldn't give you a hundred percent.

Morales: The, the third deputy you're not sure as well?

[redacted] No. I couldn't tell you that for sure.

Morales: Okay. Once you hear, heard the gunshots where did you go?

[redacted] Once the gunshots were happening we were actually in the planter right in front and after the first round of them I know there was more, but we had made it into the actual facility at that point. They had put us into the first little --

Morales: How did you get back in, into the facility? Through the front doors or --

[redacted] Through the front doors. Yeah.

Morales: Okay. So once the, after the gunshots --

[redacted] So while it was all live he said just get over here as quick as you can, you know. We were kind of out in the open so he just wanted us to --

Morales: So as the gunshots, were, were being fired he was ushering you to get inside the station?

[redacted] Yeah. Yeah. I think that was like after the first round of what, you know, what I kind of understood in my head just hearing it all is like the first clip being emptied and there was a little bit of delay where we didn't know, or they didn't know, you know, what was happening in the vehicle.

Morales: Uh-huh.

[redacted] How much of you, you know --

Morales: Uh-huh. Uh-huh. How many gunshots did you hear in this first volley of gunshots?

[redacted] I want to say at least roughly ten or so.

Morales: Okay. Did you hear a second volley?

[redacted] I think after we were inside of the building we did. Yeah.

Morales: And how many --

[redacted] At that point, but not when we were still outside.

Morales: So in between the first and second volleys when you guys were, were you at least were going inside the station?

[redacted] Correct.

Morales: And --

[redacted] And at that point that would have been the last few guys that were out there besides the officers. It was just me and the three other construction guys and at, at that same time we were all ushered inside.

Morales: Do you recall how many gunshots you heard on the second volley?

[redacted] You know what? I couldn't give you a real accurate number.

Morales: Did you hear a third volley?

[redacted] No. I couldn't tell you that for sure.

Morales: Okay. Steve?

[redacted] And shortly thereafter we had helicopters and everything overhead and then --

Morales: Yeah.

Black: Well, you said the guy got into, you said at first he went to the right front passenger door and tried to get in. I mean, what makes you think he couldn't get in? Did he try the handle?

[redacted] Yeah. He, it appears that he tried the handle and that for some reason, that door was locked and I don't know if he was sure that the next one wasn't locked, but that was the next one he tried doing that. And that just happened to open right up and that's when --

Black: And that was the right rear passenger door?

[redacted] That would be the passenger rear door. Yeah. And he was backed in so that -- yeah.

Black: Okay. And you said he got into the vehicle?

[redacted] He did get into the vehicle.

Black: How did he get? Did he, did he dive head first? Did he --

[redacted] Yeah. It, I, but it looks like he pretty much opened it and just dove kind of head first in --

Black: Dove head first?

[redacted] -- from what I saw. Yeah.

Black: Okay. Could you tell was his shirt tucked, untucked that he was wearing? To the best that you remember?

[redacted] You know, I couldn't tell you that for sure.

Black: Did you see the look on his face? How he --

[redacted] I do. That's, that's the kind of one image that I kind of have stuck in my head is just how like wide eyed he was when he -- because he came out or when he, when we like turned around he was almost like running right to us and then, you know, how the parking lot is out there. It's basically all

walls. And basically you're not getting out unless you go out the driveway, you know. So I don't know.

Black: You said he was wide eyed. How did he look? Did he look like he was happy? Scared?

[redacted] Just -- yeah. Scared basically.

Black: Scared?

[redacted] Yeah. Just like it was going down and he was about to do whatever he needed to do to try to not be involved in that and he didn't have very many options at that point so --

Black: And then obviously it appeared to you he was trying to get away from the deputies?

[redacted] Oh, definitely. Yeah.

Black: And you --

[redacted] I don't think there was any question about that.

Black: -- said the, you said the deputies were all in uniform.

[redacted] Yes. All of the ones that I saw. The first few that -- I know the ones that assisted us in getting out of the area, pulling us in --

Black: Right.

[redacted] -- but I didn't see anybody that wasn't in uniform.

Black: But the ones initially who was chasing this guy --

[redacted] Yeah.

Black: -- and you said that the first one you remember being an Asian deputy --

[redacted] Uh-huh.

Black: -- who was carrying a taser?

[redacted] Yeah.

Black: And you heard somebody yell tase him?

[redacted] Yeah.

Black: Do you remember hearing other yelling that you just couldn't make out around that time?

[redacted] Well, eventually like right after that, after they saw that the tasing wasn't going to be a possibility then there was, you know, gun. I couldn't tell you who, where, but there was definitely, you know, I know another guy had gone back in to actually get rifles and, you know --

Morales: Was that before or after the shots were fired?

[redacted] This was after the first shots.

Morales: Okay.

[redacted] The first round of shots was fared.

Black: After you heard tase him how long after you hear tase him do you hear the gunshots?

[redacted] Probably I would say no more than three or four seconds. Basically after it was, after it was realized that the taser wasn't going to do much at that point because he was kind of already proceeded a bit too far and was almost in the vehicle at that point.

Black: Was, when the gunshots start, that was actually going to be my next question, was the guy in the car or out of the car when, when the actual --

[redacted] You know, I want to say when the actual gunshots started I think he was at least in the midst of getting into it. It definitely wasn't before he had opened the vehicle, the, the actual door.

Black: So the guy, just like --

[redacted] It may have happened like as he was diving in, but definitely not prior to him actually getting in the vehicle.

Black: Okay. So he first tries the pass, the right front door. He can't get in.

[redacted] Absolutely.

Black: And then he, as he opens the back door and you say as he's in the midst of diving in is when you hear the deputy fires --

[redacted] Yeah.

Black: -- his, his rounds.

[redacted] Yeah.

Black: When you hear these volleys of gunshots any shots sound louder than the other?

[redacted] You know what, not necessarily. No. No. It did sound like it was all coming from like the same, the same gun per se.

Black: The same area?

[redacted] Yeah. Or the same area. I mean, I didn't hear anything sounding distinguishably different, you know.

Black: Right. And you said the first volley was about ten shots and then the deputies ushered you into the station?

[redacted] Yeah.

Black: And then you remember hearing another volley, but you're not sure how many were fired at that time?

[redacted] Yeah. Yeah. That's correct.

Black: And I think you kind of, you had said that at some point you heard, did you hear somebody actually yell gun?

[redacted] Yeah. After, after the -- because the first thing I heard was tase him and basically, you know, (snaps fingers) six or seven seconds of that, you know, as this is all happening he's actually jumping in the car and then at a certain point I heard somebody say gun. Shoot with the gun. You know. They like basically calling the taser. Don't worry about the taser anymore. We got to --

Black: Do you remember if they yelled gun before or after the gunshots?

[redacted] Before. From what I recall.

Black: Okay. And, and do you think that was the guy in the car yelling or the deputies who yelled?

[redacted] No. It was definitely the deputies because at that point the gentlemen was like already in the car and I, everything I was hearing was like from behind me. Because we were kind of in the middle, not like directly in the middle,

but for the most part in the middle of the gunman and the deputy just off to a little further west, you know, but within ten or fifteen feet so --

Black: Right.

[redacted] -- we could kind of, we had a pretty good, a pretty good spot to where we first, what we saw what was going on. Probably better than most. Yeah.

Black: Were you out there when this car, when the blue Trailblazer pulled in?

[redacted] Yeah. I was out there when --

Black: Did you see the guy get out?

[redacted] I, I didn't think twice of it because we were just out there looking at a spot. He pulled up with nothing and I don't know if he got out, walked in, as a normal, you know.

Black: Do you remember seeing him when he got out and walked in? Do you remember --

[redacted] I don't remember seeing him until basically I turned around and saw him.

Black: So he was running at you and then changed direction?

[redacted] He kind of veered off a little bit and --

Black: Right. Okay. That's all I have.

Morales: You said that the, the Asian deputy had the taser. How did you know it was a taser?

[redacted] Because I, I, with the yellow on it, all the yellow on it and just noticing that it wasn't the standard handgun.

Morales: Okay. So it --

[redacted] And it sounded like the guys that were kind of following as they were kind of piling out of the station and he was definitely clearly the first one out and I know he had his taser on first.

Morales: And then so he, he had it in his hand?

[redacted] He did.

Morales: And it was because you, you could tell it was a taser because it had yellow on it?

[redacted] Yeah.

Morales: Okay. And you said that you saw this guy drive into the parking lot initially?

[redacted] I mean, you know, I didn't necessarily notice him drive in, but I know his vehicle wasn't there when we pulled up and it, you know, he, at some point, while we were taking a look at the corner, looking at the work we were doing, he pulled in.

Morales: Okay.

[redacted] But it wasn't anything because it --

Morales: So when you first got there it wasn't there --

[redacted] He definitely wasn't there.

Morales: -- and at some point while you were examining the, the, the site is when he showed up?

[redacted] Correct.

Morales: Okay.

[redacted] Which was probably I would say because he wasn't there actually when I first got there for sure because I know just the two guys I was meeting so I, he would have had to show up between, you know, 7:05 and 7:15-ish or so.

Morales: Okay.

Black: Is there anything that we didn't ask you that you think is important we should know before we wrap up this interview?

[redacted] No. I think that's about it really. There's nothing, nothing more that really stands out.

Black: Okay.

Morales: Okay. With that, we'll --

[redacted] I did actually have a folder down in the parking lot and I had with --

Morales: Is it a clipboard?

[redacted] Yeah. It's like a --

Morales: It's a folio. Yeah. Yeah.

[redacted] For one of the detectives came in and mentioned it to me.

Morales: (INAUDIBLE) they, they had it numbered.

Black: If we, we see it down there marked we'll see, we'll check with them down there and our crew down there working.

Morales: Were you standing where, where it was dropped? Is that where you were standing at?

[redacted] Yeah. Just a little --

Morales: Just --

[redacted] -- it was over, it was kind of over a little by the curb?

Morales: Yeah. By the curb.

[redacted] Yeah.

Morales: So you were standing there when you made these observations?

[redacted] About five or ten feet from there. So I was just writing right there.

Black: Closer to the station?

[redacted] Closer to the station. Yeah.

Black: Oh, okay.

Morales: Okay. So --

Black: About up of the street.

Morales: So, so the notebook is along the west curb --

[redacted] Uh-huh.

Black: And the wall.

Morales: Of the wall. And then you're just five to ten feet south of that --

[redacted] Yeah.

Morales: -- when you made these observations?

[redacted] Yeah.

Morales: Okay.

Black: All right.

Morales: All right.

Black: What we'll do is come on with us and we'll get you, get you out to your vehicle.

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WITNESS [redacted]

WITNESS INTERVIEW:

[redacted]

Morales: All right. It's Sergeant Gil Morales from Sheriff's Homicide. This is my partner, Steve Black. I'm just going to ask you a couple of questions. Before we do, let me just get your horsepower and all that good stuff here. And it's approximately 1600 hours. What's your last name?

[redacted]

Morales: And your first name?

[redacted]

Morales: Is it [redacted] or [redacted]

[redacted] You can call me [redacted] Most people -- my Christian name is [redacted]

Morales: And your middle name?

[redacted]

Morales: And, sir, what's your birth date?

[redacted]

Morales: And your home address?

[redacted]

Morales: [redacted]

[redacted] Yes.

Morales: [redacted] And that's in where?

[redacted]

Morales: And what's the zip code over there?

[redacted]

Morales: That's a hell of a drive.

[redacted] Uh-huh.

Morales: What's your cell number?

[redacted] My cell number is [redacted] --

Morales: Uh-huh.

[redacted]

Morales: And what is the name of the company that you work for?

[redacted]

Morales: And they're based out of where?

[redacted]

Morales: Zip code?

[redacted] I have no idea.

Morales: And their co -- telephone number? If you know it.

Black: If you know it.

Morales: If you don't know, it is fine.

[redacted] I don't know.

Morales: Okay.

[redacted] I think I have a card.

Morales: Okay. Earlier today you came -- there, my understanding is there's a job here at the, the parking lot?

[redacted] Right, right.

Morales: Okay. What, what are they doing over there? What is it, the job entail?

[redacted] The job entails retrofitting and upgrading the existing communication. So they're going to put on a new tower or a new dishes and upgrade the power system.

Morales: Okay. And is at the front parking lot here at Temple Station?

[redacted] Yes.

Morales: Okay. And what time did you arrive?

[redacted] A little after 6:00.

Morales: Okay.

[redacted] This morning.

Morales: All right. Were you by yourself or were there other employees are here?

[redacted] I was by myself.

Morales: Okay. At some point do the other employees arrive?

[redacted] Correct.

Morales: Do, do you know who they were?

[redacted] The first person that, that showed up that was an employee, at least for the cell tower stuff, was [redacted] Who is here, also here.

Morales: Uh-huh.

[redacted] He showed up. Came in. Parked. And then a couple of the other guys which I, I don't know these people. So a lot of times it's just typical for these kind of projects. It's a different contractor.

Morales: Okay.

[redacted] Different, different set up. So these guys also showed up. They, we talked for, briefly, and then they decided to park in a different parking lot.

Morales: Okay.

[redacted] I parked and my car is still here.

Morales: Okay. Where is your car parked?

[redacted] The easternmost lot or space.

Morales: In that front parking lot?

[redacted] Yes.

Morales: Now what kind of car do you drive?

[redacted] A Volkswagen Jetta.

Morales: Volkswagen Jetta. What color?

[redacted] White.

Morales: Okay. At some point something happened in the parking lot.

[redacted] Right.

Morales: Do you know what time that happened at?

[redacted] Approximately ten, fifteen minutes after 7:00.

Morales: Okay. And who was here when that happened?

[redacted] The four of us actually. There was, there's two contractors, myself, and another inspector where, were in the parking lot. Where, where the orange cones were.

Morales: Okay.

[redacted] A little bit towards the --

Morales: And is that, is that where on the, the west side of the parking lot?

[redacted] Yeah. It's on the west side very close to our project area.

Morales: Is that --

[redacted] It was also the west side.

Morales: Is that where that generator is at? That, that --

[redacted] Right.

Morales: -- concrete pad?

[redacted] Yeah. The plug-in for the, the plug-in cars are.

Morales: Okay.

[redacted] So we were there and then that's where the timing that, the, the event occurred.

Morales: What happened?

[redacted] What I saw because I was actually kind of standing very similar to where you are now. So my back was to the north.

Morales: So you're facing south?

[redacted] Correct.

Morales: Okay.

[redacted] And --

Morales: And where were you standing exactly at?

[redacted] Um --

Morales: I know you said the, the cones, but the --

[redacted] Yeah. Right, well, actually we were standing very close to the cones.

Morales: Okay.

[redacted] So there, I believe there is three or four cones there so I was closer to the southern end than the northern end.

Morales: Of the parking lot?

[redacted] Of the parking lot.

Morales: Facing south?

[redacted] Facing south.

Morales: Okay.

[redacted] So what I saw basically out of the comer of my eye motion, which was a gentlemen running this way. And he was awfully close so I probably only got maybe two to three strides of just what was going on.

Morales: Okay. Do you know where he was running from?

[redacted] Yeah. He was coming from the building. So there was all, an entrance from the building.

Morales: Is that the front entrance of the station there?

[redacted] That's correct.

Morales: And what direction was he running in?

[redacted] Straight at us. Due west.

Morales: Okay. So he was running in a westerly direction?

[redacted] Right.

Morales: Okay.

[redacted] So I turned and saw him, the person, whoever it was, saw that person and he kind of stopped mid-stride and made a sharp turn to the, to the right for him, which would be north.

Morales: Okay. Now can you describe what this person looked like?

[redacted] No.

Morales: A male white? Hispanic?

[redacted] Yeah.

Morales: He, he's a male?

[redacted] Yeah. He was male. Yeah. Caucasian is what I saw.

Morales: Uh-huh. Do you know what he was, what he was wearing as far as clothes?

[redacted] You know what? Dark color is all I remember.

Morales: Okay.

[redacted] But no.

Morales: Any hats? Any --

[redacted] I couldn't tell you.

Morales: -- facial features?

[redacted] No. Couldn't tell you.

Morales: Any tattoos?

[redacted] No. All I saw were the eyes.

Morales: Okay. And what about his eyes?

[redacted] They were big. Fear. Is what I saw.

Morales: Okay. And did he have anything in his hands?

[redacted] I didn't see anything in his hands.

Morales: Okay.

[redacted] But I didn't particularly notice that hard.

Morales: Okay. But you did notice his face and you saw that his eyes were large?

[redacted] His eyes were big. Yeah.

Morales: Okay.

[redacted] And the only thing other than that was, that caught my eye at that time was he was running, but hunched over slightly. In other words, I wouldn't say stooped is the word.

Morales: Uh-huh.

[redacted] But that's when I saw that he was being chased (laughing).

Morales: Okay.

[redacted] As well.

Morales: Who was chasing him?

[redacted] Another police officer.

Morales: Okay.

[redacted] Several police officers.

Morales: How many did you see?

[redacted] I, I just remember one, seeing one.

Morales: Okay. You remember seeing one.

[redacted] But I know that there were others because I could hear voices, but all I saw really was somebody close by and it was one person.

Morales: Okay. And how do you know he was a police officer?

[redacted] Uniform.

Morales: Okay. What color, what type of uniform was he wearing?

[redacted] Sheriff's.

Morales: What is that? What, what is that? Describe that more.

[redacted] It's not blue.

Morales: Is it, is it like, could it be a tan shirt?

[redacted] Yes. Absolutely.

Morales: Okay. Green pants?

[redacted] Yeah.

Morales: Patches on the, on the side?

[redacted] Right.

Morales: Okay. Was he wearing a gun belt?

[redacted] Yeah.

Morales: Okay. Did, was he armed with a, a --

[redacted] Yes.

Morales: What was he armed with?

[redacted] A taser.

Morales: He had a taser?

[redacted] The reason why I saw that because I, I stared at it because it did not look, to me it was, the, the colors on the, bright colors.

Morales: The taser. What, what color was it?

[redacted] It was either like yellow kind of coloring or --

Morales: Like a fluorescent yellow?

[redacted] Yeah.

Morales: Okay.

[redacted] Towards the end.

Morales: So the -- how far was this, this deputy behind the guy that he was chasing?

[redacted] And the reason why I'm staring at that is I'm trying to gauge, gauge --

Morales: Uh-huh.

[redacted] -- at least twenty feet.

Morales: Okay.

[redacted] Well, maybe it's like fifteen or twenty. That's about twenty.

Morales: Do you recall what this deputy that had the taser what he looked like? Was he a male? Female?

[redacted] Male. But no. I couldn't tell you that much more.

Morales: Tall? Short?

[redacted] More on the short side than the tall side.

Morales: Was he Hispanic? White?

[redacted] No. I couldn't tell you.

Morales: Okay. Now you said that there were other deputies behind him --

[redacted] Right.

Morales: -- but you're not sure --

[redacted] How far away that was though.

Morales: But did you actually notice them or did you actually see them?

[redacted] Not while I was watching the chase. The reason why I kept to that is because I, I watch, I mean, I was looking at this guy coming towards us.

Morales: Uh-huh.

[redacted] That was where my focus was.

Morales: Yeah.

[redacted] And I was trying to really gather what the heck was going on. What am I seeing here.

Morales: Yeah.

[redacted] I had no idea.

Morales: Okay. So, so at some point he was in midstride --

[redacted] Mid-turn.

Morales: -- and he made a right turn going northbound?

[redacted] Right.

Morales: Where was he heading to?

[redacted] Towards the vehicles that were parked there. There was a white, there was a truck parked there, which was [redacted].

Morales: What kind of truck is that?

[redacted] It's a big brown Ford pickup trunk.

Morales: Okay.

[redacted] Double, double cab, long rear end.

Morales: Okay.

[redacted] Actually I saw that the gentlemen -- to back up two to three steps. I saw him drive into the parking lot.

Morales: Do you know what time he drove into the parking lot?

[redacted] It was earlier. I couldn't tell you exactly the time.

Morales: Okay.

[redacted] But the way he came in and parked back, and backed into the spot. I thought he was another contractor actually.

Morales: So was it, seemed unusual to you that he backed in, into a parking spot?

[redacted] Yeah. That's unusual to me. That's, that's what contractors do.

Morales: Okay.

[redacted] To back in.

Morales: Now, now the guy you're, you're describing that backed in was the same guy you saw being chased by the deputies?

[redacted] Right.

Morales: Okay.

[redacted] And when that, that's where it kind of picks up the story again. That person ran back into his, to his vehicle.

Morales: Okay. So let me, let me back you up.

[redacted] Yeah.

Morales: So you saw him park his, his vehicle. What kind of vehicle was he driving?

[redacted] I believe it's a Trailblazer. It was kind of a blue color. Dark blue. And --

Morales: And he backed it into --

[redacted] -- (INAUDIBLE) the sides.

Morales: -- and he backed into the north side of that --

[redacted] About in the center.

Morales: Okay. And then did you see him go somewhere after he got out?

[redacted] I didn't pay too much attention other than the fact that -- yeah. He did go out and then in, inside. I thought he was going to walk towards us.

Morales: Uh-huh.

[redacted] But he walked towards the, the office.

Morales: The front doors?

[redacted] The front doors.

Morales: Okay. Now and now you didn't see him until he ran out?

[redacted] That's correct. After --

Morales: How much time had elapsed from you when you saw him enter the station until you saw him run out?

[redacted] I, I never saw my watch so I couldn't tell you, but I'm going to guess fifteen minutes or so.

Morales: Okay. Now going back to where you saw him running out of the station and you say he made a right turn and he ran northbound to that same blue Trailblazer?

[redacted] Right.

Morales: Okay. What did he do?

[redacted] I thought it queer that he, or interesting, that he went into the, tried to open the back door.

Morales: The, the --

[redacted] The passenger --

Morales: -- the passenger side?

[redacted] Right.

Morales: The back, the front passenger side door or the rear passenger?

[redacted] The rear.

Morales: Uh-huh.

[redacted] He went for the rear.

Morales: Uh-huh.

[redacted] And dive in and that's when I noticed the, the officer chasing, come very close and I heard, this is, this is where it gets fun. I heard tase him, tase him, tase him.

Morales: Okay.

[redacted] And the --

Morales: Just let, let me slow you down.

[redacted] Yeah. I know you guys have to catch the details here.

Morales: (laughing)

Black: No. That's okay.

Morales: So when you saw him running to the Trailblazer --

[redacted] Yeah.

Morales: -- he got into the passenger side of the Trailblazer and first he --

[redacted] Dive in the back, back seat.

Morales: Yes.

[redacted] On the passenger side.

Morales: Okay.

[redacted] But in the back.

Morales: Did he try to open up the, the, the front passenger door first or did he go straight to the rear passenger?

[redacted] I think he either went, he was going so fast he missed the front and went to the back and then --

Morales: Did he actually grab the handle of the --

[redacted] I couldn't tell. I think he, he, his hand looked like to me his hand was slowing him down along. He stuck his hand out to slow down --

Morales: Uh-huh.

[redacted] -- and he, either he missed that door handle or kept going.

Morales: At some point he grabbed the rear passenger door?

[redacted] Yeah. And it, he looked like he tried to get that thing away, it wouldn't open easily on the first try.

Morales: Uh-huh.

[redacted] It was kind of like --

Morales: So he was fumbling with the rear passenger door?

[redacted] Right, right.

Morales: Okay. So at some point he opened it?

[redacted] Yeah.

Morales: And then what happened?

[redacted] He jumped in.

Morales: Now when you say he jumped in did he dive in head first or --

[redacted] To me, yes. He dove in.

Morales: Head first?

[redacted] Yeah. It looked like that way.

Morales: Okay. And then what did you, when he dove in -- well, let me back up. You, you said earlier that you heard someone say tase him, tase him, tase him.

[redacted] Right.

Morales: Did you hear this before he dove in or after he dove in?

[redacted] Before.

Morales: Before you heard someone say --

[redacted] Yeah.

Morales: -- tase him, tase him, tase him?

[redacted] Right. And --

Morales: Now was the taser deployed? Or --

[redacted] No. I don't see it.

Morales: -- you don't --

[redacted] I didn't see it go, deployed as you, you put it. And, and to back up when you asked me did he dive in or feet first. I think my attention was diverted now to the chasing officer. So I don't, I didn't see him jump in feet first. Not at all.

Morales: Okay. So you saw him --

[redacted] Yeah. I, I saw. That's when I -- my attention turned to the chasing officer and saw that he couldn't tase the guy because the door was open and he, he was getting in. However, however he got in.

Morales: Uh-huh.

[redacted] There was no angle.

Morales: Got it.

[redacted] That's when I realized this is crazy. And from here it gets crazy.

Morales: Okay.

[redacted] I mean or foggier.

Morales: Okay. We're at the point where you hear tase him, tase him, tase him.

[redacted] Right.

Morales: And this is where he's in the midst of getting into the vehicle --

[redacted] Uh-huh.

Morales: -- and the deputies, your, your direct, your attention is drawn to the deputies.

[redacted] Correct.

Morales: Okay. What happens next?

[redacted] The door gets closed. From there, that's when I, I when I look and see others running.

Morales: Others who?

[redacted] Police officers running.

Morales: From what direction?

[redacted] From the office door.

Morales: Okay.

[redacted] Coming out and I believe at this time I'm more like looking at the three guys that are standing next to me and they're running towards the bushes due south.

Morales: Who's running?

[redacted] All, all three of the guys that were there.

Morales: Guys that were there with you on this --

[redacted] Yeah.

Morales: -- (INAUDIBLE)?

[redacted] All the guys wearing orange --

Morales: Yeah.

[redacted] -- jumpsuits there.

Morales: Uh-huh.

[redacted] And I notice I better get my butt in gear and follow them because this is, this is not normal (laughing). So I took probably three or four steps in. So I missed everything that had happened right there at the -- for two to three seconds.

Morales: Okay.

[redacted] I stop and then I tum around and that's when the fires, the shooting started.

Morales: Okay. Now --

[redacted] So --

Morales: -- let me ask you this.

[redacted] Yeah.

Morales: Now did you, other than the tase him, tase him, tase him you hear, do you hear any other commands --

[redacted] Yes.

Morales: -- being said?

[redacted] Yes. Yes.

Morales: What did you hear?

[redacted] And that's when I heard shoot him, shoot him.

Morales: Okay. Did you hear anything else other than that?

[redacted] No. Not that I recall.

Morales: Okay. When you heard shoot him, shoot him, shoot him, did you hear gunshots?

[redacted] Yes.

Morales: Was it before or after you heard the shoot him, shoot him, shoot him?

[redacted] I'm unclear. I, I was thinking about this earlier. I thought I heard the, the shouting first. Shoot him, shoot him, shoot him and then the gunshots.

Morales: Okay.

[redacted] That's the way I remember it.

Morales: Okay.

[redacted] It, it may have happened almost simultaneously. I don't know.

Morales: Okay.

[redacted] I don't remember that well. I mean, if you had asked me about eight hours ago I probably would have told you something different.

Morales: (laughing) Got you.

[redacted] It's been a long day.

Morales: I hear you.

[redacted] Um --

Morales: Now the --

[redacted] Just I'm, even when I'm stopped and try to close my eyes to think about this it was, I thought I heard the voices first.

Morales: Okay.

[redacted] Before I heard the shots, but that --

Morales: Did you hear, and you heard gunshots?

[redacted] Oh, yeah.

Morales: How many gunshots did you --

[redacted] I saw, I, I actually saw the gentlemen, the police officer on the passenger side into the window.

Morales: Is this the guy that had the taser?

[redacted] I believe so.

Morales: Okay.

[redacted] There was nobody else there.

Morales: Okay.

[redacted] The other officers went to the other side of this, of the vehicle.

Morales: Okay.

[redacted] And after numerous shots we collectively, we were being helped by other officers. Come here. Get out of the way. That's when we all ran into the building and I didn't see anything else --

Morales: Okay.

[redacted] -- from then on.

Morales: Now how many gunshots did you hear?

[redacted] I have ten in a clip on my own little pistol.

Morales: Uh-huh.

[redacted] At least ten.

Morales: Okay. Now were, was this only ten gunshots or was there a lull between gunshots or how, how can you describe --

[redacted] You -- I, I saw and probably and, of course, I'm running at the same time now.

Morales: Yeah.

[redacted] At least ten.

Morales: Okay.

[redacted] And I don't know, I don't recall -- no, actually, I do kind of recall a stop and then more gunshots. But I couldn't tell you from what side of the cars they were coming from --

Morales: Uh-huh.

[redacted] -- or who was shooting. I wasn't watching.

Morales: Okay.

[redacted] We were running.

Morales: Well, you were more concerned about your safety than, than --

[redacted] Than watching?

Morales: Yeah.

[redacted] Yes.

Morales: (laughing) Okay.

[redacted] We've got kids still.

Morales: Yeah. I hear you. Now you were ushered into the station. Was that through the front doors or where there's another --

[redacted] Yes. It was through the front door. I, I think. And --

Morales: Well, let me ask you this. Just --

[redacted] I haven't been there yet.

Morales: Okay.

[redacted] We've been in here for eight stinking hours so --

Morales: Okay.

[redacted] I couldn't tell you the configuration of this building.

Morales: Okay.

[redacted] We got ushered in and then further ushered in as the policeman here. I mean, it, it was crazy for a few minutes obviously. Nobody really knew, but -- yeah. We were being pushed and shoved. Well, not harmfully. Just moved --

Morales: Yeah.

[redacted] -- to a safer location.

Morales: Yeah, yeah.

[redacted] And once they realized that, you know, things were going on and then there were cops, you know, really running around we got usher, ushered into this location and so --

Morales: Okay. Let me ask you this. Now when you saw this person at some point get into the vehicle --

[redacted] Yeah.

Morales: -- you're not sure how he got in whether it was feet first or dove in, did you make any other observations of him while he was inside of the vehicle?

[redacted] No.

Morales: And he was in the passenger, in the rear seat of the vehicle?

[redacted] That's what I saw.

Morales: Okay. And just to be clear, you didn't see what was going on with him inside the vehicle? What he was doing?

[redacted] The windows were tinted hard --

Morales: Okay.

[redacted] -- were blacked out. And to tell you the truth, no. My concern was get out --

Morales: Okay.

[redacted] -- at the time.

Morales: Steve?

[redacted] Once I realized what was going on and it's kind of ironic because two weekends ago we were at the mall with my kids and some idiot was running, I mean, it's a busy mall on the weekend, Sunday. Running right at me and I just, I wanted to just lean my --

Morales: (laughing)

[redacted] -- shoulder into the guy. Like why are you running through the mall?

Morales: Right.

[redacted] Well unbeknownst to me right behind the guy are a couple of gentlemen that were chasing him (laughing) because he was stealing something.

Morales: Oh. Got you.

[redacted] And, you know, we could have easily --

Morales: Yeah. Yeah. You don't know.

[redacted] We didn't know.

Morales: Yeah.

[redacted] I mean, who would have thunk it?

Morales: Yeah.

[redacted] Here you are.

Black: You said at some point after the guy was running and then he turned and, and bee-lined towards the Trailblazer --

[redacted] Yeah.

Black: -- you said at some point you saw the deputy who was on the passenger side of the Trailblazer fire? Correct?

[redacted] Right.

Black: And that was the deputy you originally saw that was holding the taser?

[redacted] I think so.

Black: You think.

[redacted] You know, I, I, I didn't get to see the face. I didn't focus on that what, what caused. Why I was thinking it was so weird is that gun looked like a toy gun.

Black: Right. You said because it was kind of a different color than a normal gun?

[redacted] Absolutely. Right. And, and so I, I, I for whatever reason my mind went to that and then hey. It's a taser.

Black: Right. And that --

[redacted] And that's pretty --

Black: -- deputy. Could you tell where that deputy was directing his fire?

[redacted] It, it --

Black: Because you said you saw him shooting.

[redacted] Yeah. Into the, the rear window.

Black: The rear window of the blue Trailblazer?

[redacted] Right. Correct.

Black: Did you see any other deputies firing rounds other than that deputy that you saw on the passenger side?

[redacted] I thought I saw another deputy on the other side also going to the back.

Black: Which would be the driver's side of the vehicle?

[redacted] Yes. Correct.

Black: Okay.

[redacted] Also into the rear, but I, at that time I was running. And so I, it's now etched in my brain, like I seared memory and I just, I thought I saw it, but I don't.

Black: And that first volley of shots you heard and saw it was while you were running towards the station?

[redacted] Right, right.

Black: Okay. And then when do you hear the second volley of shots? Were you already in the station by that time?

[redacted] No, no, no. After, after we got -- while I was still running.

Black: How long, how much time passed, do you think, between the volleys?

[redacted] Five seconds. I mean, we only had -- the width of this building is not very far, but --

Black: Right.

[redacted] -- we were running to the bushes literally.

Black: Got you.

[redacted] The landscaping. So five, ten seconds, at the most. And once we got inside we didn't hear a thing.

Black: Any shots sound louder than others?

[redacted] (phone ringing) No. I, I can't recall if any -- let me turn this off, please. Sorry.

Black: Oh, it's okay.

[redacted] I can't recall any that sound larger or louder.

Black: Okay. And on that second volley, volley of shots could you tell how many shots you heard then?

[redacted] No. Just more than one. Multiple. I, I just can't recall.

Black: Okay. And other than hearing somebody yell tase him and then eventually after that hearing someone yell shoot him do you hear anyone yell anything?

[redacted] Not that I recall. But (INAUDIBLE).

Black: When this guy --

[redacted] Other than directing us to --

Black: To go inside.

[redacted] Right. Yeah.

Black: And when the guy ran at you, you said his eyes were very wide. How did, what do you mean by wide? Did he look like he was excited? Scared? Happy? You tell me what it looked like to you.

[redacted] I would say scared and excited. Yeah. Like he was kind of like the same thing I saw at the mall then. That's why I, I kind of, it triggered that.

Black: Like somebody who wanted to get away?

[redacted] Yes. Absolutely.

Black: Okay. And you said you saw nothing in his hands at that point in time?

[redacted] I didn't see anything.

Black: Okay.

[redacted] But I didn't fo, I didn't look at his hands.

Black: Right.

[redacted] I didn't -- that, that's the thing that the next time I come to a Police Station or a -- because we do these, you know. We're at Fire Departments and all that.

Black: Right.

[redacted] I'll try to be more aware of my surroundings.

Black: (laughing) I mean, you come --

[redacted] This never happens, right?

Black: -- to a Police Station and something like this isn't going to happen (quacking sounds).

[redacted] Absolutely, but at the same time.

Black: That's, that's my wife.

Morales: Okay.

[redacted] You know.

Morales: Is there anything that we didn't ask you that you think is important in this investigation?

[redacted] Yeah. I wish I could be better at this.

Morales: No.

Black: No.

Morales: I mean, you -- you're just here doing your own job, I mean.

[redacted] I know, and it's going to be talking because [redacted] the other guy that was here, the bald guy. I mean, he, he had -- he was a policeman. So I said you know what to say and, and you know. But at the same time, I mean, here, I, I literally probably stood there longer than I should have.

Black: Yeah.

[redacted] It's just unbelievable --

Black: Yeah.

[redacted] -- what am I seeing here.

Black: It's something, I mean, it's something --

[redacted] You don't believe it. I don't even believe it. So --

Black: Right.

[redacted] -- but anyway.

Black: No. You kind of live in God's country.

Morales: Hey, sir. Thank you for being patient.

[redacted] Okay. And hopefully you guys --

Morales: I see [redacted] right there so let's get --

[redacted] To our cars.

Morales: -- and go home. I bet. Call --

JL
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WITNESS [redacted]

WITNESS INTERVIEW:

[redacted]

Perry: This is Sergeant Perry with Detective Scott Matlock at Temple Sheriff's Station on March 20th at 1147 hours. And this is an investigation in regards to a deputy involved shooting at Temple Sheriff's Station being investigated under sheriff's file 017-03249-0522-013. And we're in the operations conference room and we are with Witness [redacted] And [redacted] employee number is [redacted] Is that correct, [redacted]

[redacted] Uh-huh.

Perry: Okay. And I'll just ask to go around the table. Also present is --

Nakamura: Sen, Senior Investigator Gary Nakamura. I.D. number is [redacted]

Presby: Deputy District Attorney Shannon Presby, Justice System Integrity Division.

Easter: Sergeant Anthony Easter, Intemal Affairs.

Valle: Sergeant Paul Valle, Internal Affairs Bureau.

Omar: I'm sorry, Deputy Omar. All right.

Perry: I've already explained to [redacted] that we investigate as a group in here in the officer and deputy involved shootings and we're just interested in what she saw. What she heard in regards to this incident. But I want to get a little bit of background from you first, [redacted] you, your official capacity here at Temple Station?

[redacted] I'm a sheriff's station clerk 2.

Perry: Okay.

[redacted] And I've been here [redacted].

Perry: Okay. And your, you process, I don't want to -- you do a lot of work here. You process reports --

[redacted] Yes. I process reports. I enter vehicles that have either been stolen, impounded or stored. I enter missing, it would be juveniles and/or adults. I enter broadcasts that are going to go out. I will also answer phone calls whether it be from civilians or deputies that needing, might need something entered. Standard (INAUDIBLE) information.

Perry: And your normal shift? Your normal work hours?

[redacted] I work the [redacted].

Perry: Okay. [redacted]. Okay. When you, and you started your shift last night at [redacted]?

[redacted] At [redacted] Correct.

Perry: Okay. And to work in the [redacted] do you sleep before you come in or do you --

[redacted] I do sleep before I come in.

Perry: Okay. Did you feel -- this, this happened towards the end of your, your shift.

[redacted] Uh-huh.

Perry: Were you still fresh or were you --

[redacted] I was --

Perry: -- dozing off or --

[redacted] No. I'm still very much wide awake.

Perry: Okay.

[redacted] Yeah.

Perry: Okay. And the secretary, or I may be wrong, is it just on the other side of this wall?

[redacted] No. It's actually down the hall and kind of around the corner.

Perry: Okay. It's on the north side of the station and kind of overlooks that lower parking area.

[redacted] Correct. We're actually right next to the parking lot.

Perry: And where is your desk within that area?

[redacted] It's going to be in the corner right in front of the window.

Perry: So when you walk in the door from the hallway --

[redacted] Uh-huh.

Perry: -- it would be immediately to your right?

[redacted] Correct.

Perry: Okay. And that has a -- does your desk face like the copy room, which would be west or does it --

[redacted] It, it does, it does face the copy room.

Perry: Okay. So at about 7:20, 7:25 --

[redacted] Uh-huh.

Perry: -- this morning --

[redacted] Uh-huh.

Perry: -- were you at your desk?

[redacted] I was at my desk. I was entering a report.

Perry: Okay. Now you have a window adjacent to your desk?

[redacted] Correct.

Perry: Can you see out that window?

[redacted] I can; however, this morning I just happened to close the shutters right before anything happened.

Perry: Are those the shutters on the interior of the window or -- because there's some metal louvers on the outside of those windows?

[redacted] Well, the metal, I guess, the metal that you're talking about are what I'm calling the shutters.

Perry: Okay.

[redacted] So I actually have access to the window and outside and that is the shutters. So I have to open the window in order to close and/or open the shutters.

Perry: Oh, okay.

[redacted] Yeah.

Perry: So you had closed those?

[redacted] I had just closed those.

Perry: Okay.

[redacted] Maybe like a few minutes prior.

Perry: Okay. So you're at your desk. You're doing an entry. You had already closed those --

[redacted] Uh-huh.

Perry: -- I call them metal louvers that are, that are actually on the outside of the building, right?

[redacted] Correct.

Perry: Okay. Did you hear anything? See anything? That happened at the station?

[redacted] I didn't, I didn't see anything. I did hear some shouting. But kind of normal only because sometimes people with their custody drop-offs, their exchanges and maybe got into an argument so I didn't really think much of it.

Perry: Okay. Could you hear what was being shouted or the, the tone of it or the -- how would you characterize what, what was going on?

[redacted] No. It was very muffled for me. I couldn't make out what it was that they were saying, but you could definitely tell that people were shouting back and forth at each other.

Perry: Multiple voices?

[redacted] Yes.

Perry: Okay. And it sounded like it was coming from the parking lot?

[redacted] Yes.

Perry: Which is right outside your window?

[redacted] Uh-huh.

Perry: And the window was closed, right?

[redacted] Yes.

Perry: Were you able to discern if it was, like you said, a child drop-off or if it was deputies or anything else?

[redacted] No. (INAUDIBLE) no.

Perry: Was the shouting that you heard, could you characterize it at all?

[redacted] I would just say it was very stem. Maybe aggressive.

Perry: Okay. But you couldn't hear specific words?

[redacted] Correct.

Perry: Okay. Did you hear anything else that, after the shouting or during the shouting or --

[redacted] After the shouting I did hear maybe one pop and then about three more and then a few more after that.

Perry: Okay. Pop as in, could you tell that they were, were they gunshots or were they --

[redacted] I could definitely tell they were gunshots.

Perry: Okay. What's your, and just real briefly, do you have any experience with hearing gunfire or have you gone to the range or --

[redacted] Oh, yes. I have gone to the range.

Perry: Okay. So you're familiar, somewhat familiar with the sound --

[redacted] Uh-huh.

Perry: -- of gunfire?

[redacted] Right.

Perry: Okay. So when you say pops, gunfire?

[redacted] Yes.

Perry: Okay. So you initially heard one shot?

[redacted] Uh-huh.

Perry: And then --

[redacted] And then a series of maybe about three.

Perry: Uh-huh.

[redacted] Followed by a quick few more.

Perry: Okay. Was there -- could you charac, if you, if you, can you replay it for me? Can you like boom, boom, boom, boom, boom or boom, then a pause. Then boom, boom, boom or --

[redacted] Sure. I don't know the correct way. It was kind of like pop and then pop, pop, pop and then pop, pop, pop, pop.

Perry: Okay. With that much of a pause in between? And it doesn't sound like there's much of a pause --

[redacted] Right.

Perry: -- but just a little bit of a, a delay from -- between the sequence?

[redacted] Yeah. There was enough of a delay for me to kind of think like oh, what is that? And then I realized that it was gunfire.

Perry: Okay. When you heard the gunfire what did you do?

[redacted] I just kind of sat there. I just kind of froze.

Perry: Okay. Did you ever get up from your desk?

[redacted] I did eventually. One of the other girls was like you need to get up and move away from the window. Because our windows are not bulletproof and they're glass.

Perry: Right. Who was it that asked you to get away from the window?

[redacted] The other secretary.

Perry: Okay. And where was [redacted] when she told you that?

[redacted] She was on the other side of the room.

Perry: So like towards where we're at south from where you were?

[redacted] guess --

Perry: Towards the back of the station?

[redacted] Right. I could say, I guess, across, but to an angle from me.

Perry: Okay.

[redacted] Because I was --

Perry: Kind of like a little bit in front of you?

[redacted] Yeah.

Perry: But south of you. So --

[redacted] Uh-huh.

Perry: -- somewhat south than west?

[redacted] Right.

Perry: Okay. When you got up and moved across did you, what happened?

[redacted] Nothing. I just moved across the room to the other side of the office and then one of the lieutenants came in and said to go into [redacted] office.

Perry: Okay.

[redacted] She has kind of like a little pocket so there's the open office --

Perry: Uh-huh.

[redacted] -- and then her office kind of sits way back within the office itself.

Perry: Okay.

[redacted] So there's an additional wall blocking us from the open space.

Perry: Is it to the left of the door when you walk in?

[redacted] Yes.

Perry: Okay.

[redacted] And then once we were in her office the lieutenant had us kneel on the floor and he turned the lights off.

Perry: Okay. Was the lieutenant in the office with you at the time that you --

[redacted] No.

Perry: -- heard the shots? He came in afterward?

[redacted] Correct.

Perry: Okay. Now the [redacted] that told you to move away. There was also a couple other of your workmates in there? In the office as well?

[redacted] Yes.

Perry: Okay. Is that [redacted] and [redacted]

[redacted] Uh-huh.

Perry: Okay. And it was, it was the four of you that were in the office at that time?

[redacted] Yes.

Perry: Okay. Did you ever go to any of the open windows or any windows that you could see out to the parking area and look out?

[redacted] No.

Perry: Okay. I don't know if I said this, but do you know about what time it was that you heard the gunshot?

[redacted] No. I wasn't looking at the time.

Perry: Okay.

[redacted] But I would definitely say it was no later than 7:20.

Perry: Okay. How many total gunshots do you think you heard?

[redacted] At least eight.

Perry: Okay. And that's an estimate, right?

[redacted] Right.

Perry: Okay. And again getting back to the -- have, have you done ride-alongs or been out in the field at all with the officers or deputies?

[redacted] Years ago. Years, years ago.

Perry: Getting back to the, the voices that you heard.

[redacted] Uh-huh.

Perry: You said they sounded, I asked you to characterize them and you said they sounded aggressive?

[redacted] Uh-huh.

Perry: I assume also loud?

[redacted] Uh-huh.

Perry: Did -- could you differentiate to what you heard? And this is just, you couldn't hear specific words, correct?

[redacted] Correct.

Perry: Did it sound like a cop yelling at somebody?

[redacted] No.

Perry: No. Okay. Just shouting?

[redacted] Just a lot of shouting.

Perry: Okay. Multiple voices, too? Correct?

[redacted] Yes.

Perry: Okay. Got anything?

Matlock: Now you hear the one shot and then there was a pause and then a couple more shots, a little bit of a pause and then a couple more shots, right?

[redacted] Uh-huh.

Matlock: In between the, the sequence of, of different shots that you heard did you hear any shouting? And I'm sure the timeframe between the shots was very short.

[redacted] Right.

Matlock: But did you hear a shot and then some shouting or yelling or anything like that and then more shots?

[redacted] I heard shouting. I wouldn't necessarily say it was like pause, shouting. It was just kind of shouting and then I heard the, the gunshots.

Matlock: Any, any shouting or yelling or anything like that between the gunshots?

[redacted] I don't remember.

Matlock: Okay. Did you recognize any of the voices that you heard shouting?

[redacted] No.

Matlock: No? Okay. I'm good, Ken.

Perry: Was there -- you initially hear the, the loud voices?

[redacted] Right.

Perry: Right? Did the loud voices lead all the way up to the first pop that you heard? Was there a, a break in between or was it just the, the loud voices and then all of a sudden you heard the pop?

[redacted] Right.

Perry: And then more pops?

[redacted] It was the shouting, a lot of voices and then a pop.

Perry: Okay. And then more pops, but no loud voices?

[redacted] Correct.

Perry: In between or during the pops?

[redacted] Right. Again.

Perry: Okay. I'll just go around.

Nakamura: Some questions. On the pops that you heard do you recall, did they all sound similar or was, was one seem like really louder than the other ones?

[redacted] No. They sounded the same to me.

Nakamura: All the same. Okay. That's it.

Perry: How about you, Shannon?

Presby: I have nothing. Thank you.

Perry: Easter?

Easter: No, sir. No.

Perry: Okay.

Presby: I -- anything else you think that we've missed that we haven't asked you?

[redacted] No. Only because I didn't see anything (laughing).

Presby: Yeah. Were -- did you ever close the, or open those blinds after the incident or as far as you know they remain the same as when you closed them?

[redacted] Right. They remain the same as when I closed them.

Presby: When you close them does it close just your window or does it close all of the windows on that side?

[redacted] It doesn't close all of them, but it does close a significant amount.

Presby: Okay.

[redacted] So definitely it will close mine and the desk that sits directly in front of me. It would definitely close mine and hers.

Presby: Okay. Were you aware before this incident happened of any activity at the station like the deputies were going to arrest somebody or did you hear anything like that?

[redacted] No.

Presby: Okay. Okay. Thank you so much for talking to us.

Perry: All right. Thank you very much.

[redacted] Uh-huh.

Perry: We appreciate it. We are, we can go off. We're going to go off tape. It's now 1200.

JL
Cron & Associates Transcription 714-573-7172

WITNESS [redacted]

WITNESS INTERVIEW:

[redacted]

Perry: Yeah. I'm on tape. This is Sergeant Perry. It is now 1201 hours on the, March 20th and we are at Temple Sheriff's Station investigating a deputy involved shooting under 017-03249-0522-013. With us is -- [redacted]

[redacted] Uh-huh.

Perry: [redacted] Employee number [redacted] And we'll just go around the room. Myself, Detective Scott Matlock, from the D.A.'s Office JSID --

Nakamura: Gary Nakamura. Senior Investigator JSID.

Presby: Shannon Presby, Deputy District Attorney D.A.'s office, JSID.

Easter: Sergeant Anthony Easter, Internal Affairs Bureau.

Valle: Sergeant Paul Valle, Internal Affairs Bureau.

Matlock: Hey, [redacted] What is your job here?

[redacted] Secretary.

Matlock: Secretary. Okay. How long have you worked here at Temple?

[redacted] (INAUDIBLE) years. Almost [redacted]. Almost [redacted].

Matlock: Okay.

[redacted] (laughing)

Matlock: And which shift do you work?

[redacted].

Matlock: And what hours are those?

[redacted] [redacted]

Matlock: [redacted]

[redacted] Yes.

Matlock: Last night before you came in --

[redacted] Uh-huh.

Matlock: Do you, what's your sleep pattem like before you, before work? Do you wake up early on before work and stay up for a bunch of hours or do you wake up and then come to work?

[redacted] Oh, when I go home I sleep like around 12:00 and then I wake up around 4:00, 4:30.

Matlock: Okay. So you're, you're up for a little bit --

[redacted] Yeah.

Matlock: -- before you -- how, how was your sleep last night before you came to work? Pretty good?

[redacted] It was good. Yeah.

Matlock: Okay. You weren't tired when you came to work --

[redacted] No.

Matlock: -- or anything like that? Okay. Where is your desk in the secretary area?

[redacted] I'm almost at the back. On the -- when you're going, I'm on the left side.

Matlock: Okay. So if I'm standing in the secretary and I'm looking out the window --

[redacted] Uh-huh.

Matlock: -- facing the parking lot? You're to the left?

[redacted] Oh, you're, you're looking at the parking lot?

Matlock: Yeah. Let's say I'm looking at the parking lot.

[redacted] Uh-huh. I'm at the very, at the other side.

Matlock: Oh, you're at the other side of the room?

[redacted] Yes, sir.

Matlock: Okay. So if I turn around and I'm facing the other side of the room are you to the left or to the right?

[redacted] I'm the right.

Matlock: To the right. Okay.

[redacted] Near the copier.

Matlock: Okay. So by the copy machine?

[redacted] Yeah.

Matlock: Near the copy room? Okay. Why don't you tell me -- this incident that happened this morning. How did you become aware of it?

[redacted] Oh, I was working and then I heard a gunshot. I knew it was a gunshot so I stood up and then I look at the window because the, the windows open and because there's no shutters --

Matlock: Right.

[redacted] -- blocking it and then I saw the deputies, one of the deputies was (INAUDIBLE). I know, I remember, he was wearing a cap, a cap.

Matlock: A hat?

[redacted] A hat. Yeah.

Matlock: Okay.

[redacted] I know it was Botten and I didn't know who, who was with him --

Matlock: Uh-huh.

[redacted] -- and then that was, because I was facing, facing the window. They were on my right side and then I saw one of the deputies -- I don't know who he is. And then he was, he was in a shooting position, but he was in the -- what car was that? The pickup truck.

Matlock: Okay.

[redacted] So that's all I saw.

Matlock: Okay. So there was a pickup truck in the parking lot?

[redacted] Yeah.

Matlock: Can you tell or do you remember, I don't expect you to remember –

[redacted] Yeah.

Matlock: -- exactly where it was parked? Do you have a general, a general idea where that pickup truck was parked?

[redacted] think he was, it was in the, the, the last one. The last, last space in the --

Matlock: So if I'm, if I'm looking out the window?

[redacted] I'm looking at the window. If he --

Matlock: To the left?

[redacted] To the left. Yeah.

Matlock: In the last space?

[redacted] Yeah. And facing, facing the, the window.

Matlock: The front of the car was facing --

[redacted] Uh-huh. Yeah.

Matlock: -- the windows? Okay. So it was backed in?

[redacted] Yeah. Yeah.

Matlock: Okay. And the deputy was standing where?

[redacted] At the side, side. Because if the, if the truck is face, backed in, he was here. Almost at the side.

Perry: On the passenger side?

[redacted] Yeah. Passenger side.

Matlock: Passenger side?

[redacted] Yeah.

Matlock: Was he in front like where, in front where the hood is or in back where the, where the bed of the truck is?

[redacted] No. I think the, not the, the back.

Matlock: Okay.

[redacted] It's the front.

Matlock: Okay. In front --

[redacted] Yeah. In front of --

Matlock: -- of the windshield?

[redacted] Yeah.

Matlock: Okay. And he was shooting?

[redacted] At the position of shooting I -- that's what I saw.

Matlock: So he had, he had, and I'm just simulating my hands held out like --

[redacted] Yeah.

Matlock: -- I'm holding a gun this?

[redacted] Uh-huh.

Matlock: He's in a shoot, standing --

[redacted] Yeah. Uh-huh.

Matlock: -- position?

[redacted] Uh-huh. Uh-huh.

Matlock: But you didn't see him shooting?

[redacted] No.

Matlock: Okay. But he was standing --

[redacted] Yeah.

Matlock: -- with his gun over the hood of the car?

[redacted] Uh-huh.

Matlock: Did you see what his gun was pointed at?

[redacted] No.

Matlock: No? Okay. Before you heard the, before you heard the gunshots did you hear any kind of commotion? Any yelling? Any loud arguing?

[redacted] Yes. So I -- yeah. I heard them.

Matlock: Okay. What did you hear?

[redacted] Just a commotion. That's all.

Matlock: Could you make out what was being said at all?

[redacted] No.

Matlock: Okay.

[redacted] He was too far for that. Yeah.

Matlock: And how, how long did that commotion or arguing or, or loud yelling that you heard, how long did that go on?

[redacted] Maybe five to ten seconds.

Matlock: Okay.

[redacted] That's --

Matlock: And when that ended --

[redacted] Uh-huh.

Matlock: -- when you didn't hear it anymore --

[redacted] Yeah.

Matlock: -- how, how long would you estimate you heard the gunshots after that?

[redacted] For two or three seconds.

Matlock: Okay. Have you heard gunshots before?

[redacted] Yes.

Matlock: Have you shot a gun before?

[redacted] Yes.

Matlock: Okay. How many gunshots do you think you heard?

[redacted] The first was five or six gunshots.

Matlock: Okay.

[redacted] Like it's like this so I didn't know.

Matlock: But did you hear --

[redacted] Bam, bam, bam, bam, bam.

Matlock: Bam, bam, bam, five?

[redacted] Yeah.

Matlock: And then some more after that?

[redacted] Uh-huh. Some more after that.

Matlock: Okay. How many more after that do you think?

[redacted] About three.

Matlock: Okay. Any more after the three?

[redacted] After, after that when we were in the room of counting around one or two shots.

Matlock: Okay. So maybe five and then a pause?

[redacted] Yeah. Yeah.

Matlock: And then about three?

[redacted] Uh-huh.

Matlock: And then a pause?

[redacted] Uh-huh.

Matlock: And then maybe one more?

[redacted] One. Yeah.

Matlock: Okay. In between those pauses or the time where there was a pause in the shooting did you hear any, any additional yelling or arguing or anything like that?

[redacted] No.

Matlock: Okay. When the, when you heard the, the shooting what did you do?

[redacted] I stood up and then I looked at the window and then when I heard the, the gunshot I called [redacted] to come over to my area because she's in the, in the window on that side.

Matlock: Okay.

[redacted] And then after then [redacted] called us to go to her area.

Matlock: And who's [redacted]

[redacted] The supervisor.

Matlock: Okay. And she has a separate office?

[redacted] Yeah.

Matlock: And is it away from your desk and [redacted] desk?

[redacted] Yeah.

Matlock: Kind of like an office like this one over here?

[redacted] Uh-huh.

Matlock: Lieutenant Neil's office?

[redacted] Uh-huh.

Matlock: Okay. And once, once you guys were in that office what did you do?

[redacted] We were on the floor.

Matlock: Okay. Did [redacted] tell you to do that or --

[redacted] [redacted] Uh-huh.

Matlock: -- somebody else tell you to do that?

[redacted] It's, I think, I heard someone just through, through this, through the building to go down. (INAUDIBLE).

Matlock: Okay. Were you aware of anything unusual occurring today in the station before the shooting occurred? Like somebody was going to be arrested or anything like that?

[redacted] No.

Matlock: Okay. Ken?

Perry: Just real quick, [redacted] Your -- when you walk in the door to the secretary, your desk is to the left, right?

[redacted] Uh-huh.

Perry: And you're at your desk when you first heard the gunshots?

[redacted] Uh-huh.

Perry: And your desk is more towards the copy room, right?

[redacted] Uh-huh. Yeah.

Perry: So it's more west?

[redacted] Yeah.

Perry: And you could see out the window --

[redacted] Uh-huh.

Perry: -- towards the parking lot?

[redacted] Uh-huh.

Perry: Those metal louvers on the outside were open --

[redacted] Uh-huh.

Perry: -- on your side? Yes? You said you saw, you heard the gunshot and you looked out and you saw a Deputy Botten?

[redacted] Botten. Yeah.

Perry: But -- it's?

[redacted] Botten.

Perry: Button?

[redacted] Yeah. B-O-T-T-E-N.

Perry: Botten. Okay.

[redacted] Yeah.

Perry: And where was he when you saw him?

[redacted] He was on my, on the right side. He was the one that (INAUDIBLE).

Perry: So it was Botten, plus another deputy --

[redacted] Yeah.

Perry: -- and he was on your right side --

[redacted] On my right side.

Perry: But you could, you could see him from where you were?

[redacted] Yeah.

Perry: I'm trying to -- I'm going to show you a very bad drawing that I have of the parking lot. That's the drawing I have in my notebook. This is the entry to the parking lot --

[redacted] Uh-huh.

Perry: -- this would be the, the doors --

[redacted] Uh-huh.

Perry: -- to the lobby.

[redacted] Yeah.

Perry: And, see, I told you it's bad. This is that planter that's right --

[redacted] Uh-huh.

Perry: -- would be right outside your office.

[redacted] Uh-huh.

Perry: Where the secretary is. This is a big Ford truck --

[redacted] Uh-huh.

Perry: -- that I think you were talking about --

[redacted] Yeah.

Perry: -- in the --

[redacted] Uh-huh.

Perry: -- extreme northwest corner.

[redacted] Uh-huh.

Perry: Yes. So when you're looking out the window where did you see Botten or if you see a spot?

[redacted] Around here.

Perry: Kind of in the middle?

[redacted] Yeah.

Perry: And just to describe, the middle of the parking lot in line with the first two spaces on the east side --

[redacted] Uh-huh.

Perry: -- kind of in between where the white Honda and the white Jetta were. Those were two other white cars. Is your car parked out front there?

[redacted] No. At the back.

Perry: Okay. So he is just kind of in the middle and he's --

[redacted] Yeah.

Perry: -- with another deputy?

[redacted] Uh-huh.

Perry: Did you recognize that other deputy?

[redacted] No.

Perry: Okay. How was Deputy Botten dressed? Was he in full like Class A uniform? In --

[redacted] Because I know he's on his way out.

Perry: So was he in civilian clothes? Was he in a raid jacket?

[redacted] No. (INAUDIBLE) just a cap.

Perry: Just the cap?

[redacted] Yeah.

Perry: And the cap, was it a sheriff's cap?

[redacted] No.

Perry: Was it a Raiders cap? A --

[redacted] know it, I know it's blue or black.

Perry: Blue or black?

[redacted] Yeah.

Perry: Okay. Did he have shorts on?

[redacted] No.

Perry: Shorts? Pants?

[redacted] No. Because he just stepped out of the secretary's office.

Perry: He had just been in the secretary's office --

[redacted] Yeah.

Perry: -- just before?

[redacted] Yeah. Yeah.

Perry: Okay. When he was in there before was he, do you remember what he was doing?

[redacted] Oh, it was, it was stop by to say bye.

Perry: Just to say goodbye?

[redacted] Yeah.

Perry: Very nice. Did it look like, did it look to you like he was done with his shift and going home?

[redacted] Yeah.

Perry: Yeah?

[redacted] Uh-huh.

Perry: So was he in his civilian clothes?

[redacted] He still in -- no. He's still in uniform.

Perry: Still in uniform?

[redacted] Yeah.

Perry: Okay. Was it the, the standard like Class A uniform?

[redacted] Yeah.

Perry: With his badge and his gun belt and that kind of stuff?

[redacted] Oh, that I don't know if he has that outside.

Perry: Okay. But it was, it was the uniform?

[redacted] Yeah.

Perry: Our standard sheriff's uniform?

[redacted] Uh-huh.

Perry: Okay. So he's standing there and again, again I'll try and describe it which is where you pointed to the middle of the parking lot would be the middle east side of the parking lot.

[redacted] Uh-huh.

Perry: And he's with another deputy?

[redacted] Uh-huh.

Perry: And was that other deputy also in uniform?

[redacted] I know, yeah.

Perry: Yeah?

[redacted] He is. Yeah.

Perry: Do you know who that other deputy was?

[redacted] No. I didn't know him.

Perry: Okay. Okay. And what was Deputy Botten doing? Was he pointing a gun? Was he --

[redacted] That I don't, I don't know.

Perry: -- just standing? Okay.

[redacted] Because I was just looking at this truck.

Perry: You were looking --

[redacted] I was there.

Perry: -- over at this gray Ford truck --

[redacted] Yeah. Uh-huh.

Perry: -- in the northwest portion of the parking lot?

[redacted] Uh-huh.

Perry: And that's where there was another deputy --

[redacted] Yeah. Uh-huh.

Perry: -- right? And that deputy, which has got kind of a shooting position across the truck, or towards the front of the truck?

[redacted] Uh-huh.

Perry: And he's pointing this way? Which would be east?

[redacted] Yeah. Uh-huh.

Perry: Okay. Did you see the gunfire at all?

[redacted] No.

Perry: That he was pointing?

[redacted] No.

Perry: Okay. Were there any other deputies that you saw or civilians in the parking lot that you recall seeing?

[redacted] No.

Perry: No? Okay. And you said -- so your car is not, not parked out front?

[redacted] No.

Perry: Do any of your workmates park their cars out front?

[redacted] No.

Perry: Okay.

[redacted] They don't.

Perry: Got anything? When you looked out and you saw Botten --

[redacted] Uh-huh.

Perry: -- and the other deputy --

[redacted] Uh-huh.

Perry: -- and then the third deputy --

[redacted] Uh-huh.

Perry: -- at the truck pointing his gun had you already heard the gunshots?

[redacted] Yeah.

Perry: Okay.

[redacted] That's when I stood up and I looked out the window.

Perry: But initially you heard some voices?

[redacted] Yeah.

Perry: Okay.

[redacted] Uh-huh.

Perry: And were the voices loud?

[redacted] Yeah. Uh-huh. I mean it's loud because I, I didn't hear those kinds before.

Perry: Could you hear what was being said?

[redacted] No.

Perry: Did it -- could you characterize it at all? I mean, was it somebody mad? Was it somebody laughing? Was it somebody --

[redacted] No.

Perry: -- telling somebody what to do? Was it a command? Like commands?

[redacted] It started, it sounded like they're argue, arguing. Yeah.

Perry: Arguing?

[redacted] Yeah.

Perry: Okay. And how many voices did you hear? Or could you tell? More than two? More than three?

[redacted] No.

Perry: Too many to tell?

[redacted] Maybe two, two or three.

Perry: Two or three voices?

[redacted] Uh-huh.

Perry: Were the voices all talking at once? Or was there -- like if I was going to shout at Scott I would shout --

[redacted] Uh-huh.

Perry: -- something and Scott would shout something back to me.

[redacted] Yeah. Uh-huh. Yeah.

Perry: It was more like that?

[redacted] Yeah.

Perry: More of a, a some kind of conversation?

[redacted] Uh-huh. Conversation.

Perry: Like back and forth?

[redacted] Yeah.

Perry: But loud?

[redacted] Yeah.

Perry: Right. Okay. And initially when you heard the, the, the shouting or the, the voices outside -- I'm sorry. You did look out or you didn't?

[redacted] -- look out? No. I did not.

Perry: Okay. So you didn't pay attention to --

[redacted] No. I didn't.

Perry: -- when you heard it. Is it --

[redacted] just stood up when I heard the gunshots.

Perry: Okay. And you said it was about five or ten seconds of --

[redacted] Uh-huh.

Perry: -- the voices?

[redacted] Uh-huh.

Perry: And then the gunshots?

[redacted] Uh-huh.

Perry: Right? Okay. And you told [redacted] to come to --

[redacted] To --

Perry: -- [redacted] office?

[redacted] No. To come to my --

Perry: To come to your desk?

[redacted] Yeah. Yeah.

Perry: That's on your side. Okay.

[redacted] Yeah.

Perry: And then who was it that got you into [redacted] office?

[redacted] Oh, because [redacted] stood up and then -- yeah. She called us out.

Perry: Okay. Were there any other deputies or officers, sergeants, lieutenants, anybody in your office --

[redacted] No.

Perry: -- at the time. At the time it happened though?

[redacted] Happened, no.

Perry: Did somebody, did a lieutenant come in or somebody come in to check on you guys at some point after?

[redacted] Yeah.

Perry: Okay. And do you remember who that was?

[redacted] No.

Perry: Okay. Afterwards, after the gunshots stop. And you guys had been on the floor.

[redacted] Uh-huh.

Perry: Right? Trying to be safe.

[redacted] Uh-huh.

Perry: Did you ever get up and go to the windows and look out?

[redacted] No.

Perry: No? Okay. Do you got anything? Good?

Presby: I've got a question. How, how far away is your desk would you say from the windows?

[redacted] I'm, I'm on the other side of the room so (INAUDIBLE).

Presby: Twenty feet? Thirty feet? If you have an estimate? If you know? If you don't, that's fine.

[redacted] No. I don't.

Presby: Okay. So just so I'm clear you're, you're sitting there working?

[redacted] Uh-huh.

Presby: And the first thing you hear is the voices --

[redacted] Voices. Uh-huh.

Presby: Correct?

[redacted] Yeah.

Presby: And but you don't, you don't get up and look at that point?

[redacted] Yeah. No.

Presby: And then, then you hear gunshots?

[redacted] Uh-huh. Yes.

Presby: Correct? And then you, you actually stand up --

[redacted] Uh-huh. Uh-huh.

Presby: -- and look out? Is that right?

[redacted] Yeah.

Presby: From the time when you stand up and look out do you hear any more gunshots? Or are the gunshots already done?

[redacted] It's done and then after that there's more.

Presby: There's more?

[redacted] Yeah.

Presby: So even while you're standing and looking out the window then there is some more gunshots?

[redacted] That's what I look at. Yeah.

Presby: Okay. But you didn't actually see --

[redacted] No.

Presby: -- anyone shooting?

[redacted] No.

Presby: Is that right? Okay. And how many of the gunshots would you say took place after you started looking out the window?

[redacted] After the first five or six shots?

Presby: Well, whatever it was that you stood up and looked out the --

[redacted] Uh-huh.

Presby: -- window. How many gunshots took place after that?

[redacted] Like three and then another three and then another one.

Presby: Okay.

[redacted] Or two. Yeah.

Presby: Did all the gunshots sound the same to you? Did any sound closer? Louder? Softer?

[redacted] The, the first, the first one was the, was the loudest. Yeah. (phone ringing)

Presby: The first one was the loudest?

[redacted] That one was -- the first five or six gunshots (phone ringing) was the loudest.

Presby: And did they, did they sound -- excuse me.

[redacted] Uh-huh.

Presby: Did they sound, those first five or six, did they all sound the same?

[redacted] No.

Presby: How, how were they different?

[redacted] Right. Because they, ta, ta, ta, ta, but I know it's, it's come, it's coming from not just one gun.

Presby: What makes you think it was coming from different guns?

[redacted] Because I, I've been doing some in the driving range so --

Presby: Okay.

[redacted] Yeah. So. I know that.

Presby: So was it the, the loudness of them or the deepness of them? What would you -- what about the sound made you think that they were from different guns? The location that they were coming from? What was it that made it sound like different guns to you?

[redacted] Hm. Just what I, because it, it's different because it's -- there's, I think, there is a gunshot that it's the same kind, but if, when -- it -- how would I say it? It's the same, it's the same time. Hm.

Presby: Is it that they, that they're occurring so close in time that they have to be coming from different guns? Is that what you're saying?

[redacted] Yeah. Yeah.

Presby: So it's about --

[redacted] Yeah.

Presby: -- so it couldn't be from the same gun is what you're saying?

[redacted] Yeah.

Presby: Because they are so close together --

[redacted] Uh-huh.

Presby: -- in time?

[redacted] Uh-huh.

Presby: Okay. Was there anything about the sound themselves that sounded different to you? One louder or softer or deeper or higher?

[redacted] It's higher. I, I heard, it's kind of high and then low and then high.

Presby: Okay. So the, so there was a difference in sound --

[redacted] Uh-huh.

Presby: -- between them? Okay. But you never saw any of the gunshot --

[redacted] No.

Presby: -- flares --

[redacted] No.

Presby: -- or anything like that? Okay. The deputy that you saw that was by the truck --

[redacted] Uh-huh.

Presby: -- pointing the gun, do you know who, who that was? Did you recognize him?

[redacted] No. Well, I thought it was Rosales, but they said it's not Rosales (laughing) so --

Presby: So, so forgetting what everyone said, but you thought you recognized him, but, but you don't?

[redacted] Yeah.

Presby: Okay. That person, did you ever see that person actually fire?

[redacted] No.

Presby: Okay.

[redacted] It's just in the position of firing.

Presby: Sure. Aside from the deputies that you saw out there and this may have already been asked. Did you ever see anyone else? Any other people out there? At the time of the shooting?

[redacted] At that time. No.

Presby: Did you see a blue SUV in the parking lot?

[redacted] No.

Presby: When you were out there? When you were looking out there?

[redacted] No. I was looking at the truck.

Presby: At the truck?

[redacted] Yeah.

Presby: When you stood up and looked out the window were all, were the blinds on all of the windows open or were some closed and some open? If you remember?

[redacted] Yes. Some are closed. Some are open. Usually like our windows always open.

Presby: But when you look out were some closed?

[redacted] Yeah.

Presby: And some were open?

[redacted] Uh-huh.

Presby: And obviously you looked out the open one?

[redacted] Yeah (laughing).

Presby: Okay. Did you ever approach the windows?

[redacted] No.

Presby: You just stayed back --

[redacted] Yeah.

Presby: -- by your desk?

[redacted] Uh-huh.

Presby: And then you asked this --

[redacted] Uh-huh.

Presby: -- the other lady to come back to you, right?

[redacted] Uh-huh.

Presby: How long do you think you were looking out the window until you then went to [redacted] office?

[redacted] About five to six seconds.

Presby: Okay. And once you got to [redacted] office could you, could you look out the window anymore?

[redacted] No.

Presby: Okay. And then you guys actually got down on the ground?

[redacted] Yeah. Uh-huh.

Presby: Okay. Is there anything else that we haven't asked you that you think is important? Some other thing that you saw or heard?

[redacted] No. That's about it then.

Presby: Okay. All right. Thank you very much.

[redacted] Uh-huh. Paul?

Valle: No. I don't have anything.

Matlock: And I just wanted to clarify just one thing, [redacted] You were looking out the window after the first pop. After the first gunshot --

[redacted] Uh-huh.

Matlock: Right? You, but you never saw anybody, any officer, any person shooting a gun? Right?

[redacted] No.

Matlock: Just the one officer who was --

[redacted] Yeah.

Matlock: -- in the position of firing.

[redacted] Yeah.

Matlock: And the firing continued or at least after a brief pause as you went into [redacted] office, right?

[redacted] Yeah.

Matlock: Because you were down on the floor at [redacted] office and you could still hear the gunshot or gunshots outside?

[redacted] Yeah.

Matlock: Yes?

[redacted] Uh-huh.

Matlock: Okay. Okay. Got anything?

Perry: No.

Matlock: Guys?

Presby: Thank you.

Matlock: Okay. All right, [redacted] That's it.

[redacted] Uh-huh.

Matlock: Thank you very much. Thank you for your patience. And it is now 1225 hours.

[redacted] Thank you.

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WITNESS [redacted]

WITNESS INTERVIEW:

[redacted]

Perry: This is Sergeant Perry with Sheriff's Homicide doing a deputy involved shooting investigation on March 20th. It's 12:30. And this is [redacted] --

[redacted] [redacted].

Perry: [redacted] hyphen [redacted] And [redacted] has employee number [redacted] And we'll just go around the table. Sergeant Perry from Sheriff's Homicide. Detective Scott Matlock, Sheriff's Homicide.

Nakamura: Senior Investigator Gary Nakamura, District Attorney JSID.

Presby: My name is Shannon Presby. I'm a Deputy District Attorney from the Justice System Integrity Bureau.

Easter: Sergeant Anthony Easter, Internal Affairs Bureau.

Valle: Sergeant Paul Valle, from Internal Affairs Bureau.

Perry: Now, [redacted] your, what's your official title here?

[redacted] I'm the station first supervisor.

Perry: Okay. And do you work the early morning shift?

[redacted] No. I work -- I'm on a (INAUDIBLE) --

Perry: Uh-huh.

[redacted] I'm also the (INAUDIBLE) until (INAUDIBLE) I work twelve hours, thirteen hours or five hours (INAUDIBLE).

Perry: Uh-huh.

[redacted] My goal is to see all the shifts so I can see the early morning (INAUDIBLE). The days and the p.m.s.

Perry: Okay. And today, this morning, what time did you arrive for work?

[redacted] Five minutes to 5:00.

Perry: Five to 5:00?

[redacted] Uh-huh.

Perry: Okay. And so it was your early morning secretaries that were still on?

[redacted] Yes. They, they leave at 8:30.

Perry: Okay. And is that [redacted] and [redacted]

[redacted] [redacted] and [redacted] are the early ones. The early ones (INAUDIBLE) and [redacted] he start at 5:30. He's on days.

Perry: He's a day shift. Okay.

[redacted] Uh-huh.

Perry: Okay. And how long have you been employed in this capacity?

[redacted] As a supervisor?

Perry: Yeah.

[redacted] [redacted].

Perry: And how long here at Temple Station?

[redacted] [redacted].

Perry: Okay.

[redacted] Yeah.

Perry: Were you also a, a clerk here prior to that or --

[redacted] No. I was -- my first station was [redacted] --

Perry: Uh-huh.

[redacted] -- when I started as a station clerk. Then I went to (INAUDIBLE) [redacted] and (INAUDIBLE) I was the station clerk and then I was the traffic secretary before I get (INAUDIBLE).

Perry: Okay. And you've been here since? [redacted]?

[redacted] --

Perry: More than [redacted].

[redacted]. Yeah.

Perry: Good for you. Okay. [redacted] when you, when you got here this morning you were rested? Your normal routine? Everything was okay with you?

[redacted] Everything was okay. I came. I got my cup of coffee from McDonald's before. So I came in. I start my, I was running (INAUDIBLE) section report and then our computers were having problems, but it was fine. So I was in my office --

Perry: Uh-huh.

[redacted] -- when all of a sudden I hear pop, pop, pop. And I thought oh, maybe the range, maybe they left the door open. That's what I thought. So I was going to get out from my office to see what happened when I hear the second like, like really pop, pop, pop and then I hear someone say something from the radio. Whatever they call it. And I hear they say something down. So I just get underneath of my desk, but then I thought about my secretaries. So I get up and I just call them. And I was really scared because we don't know what is, what was going on.

Perry: Right, right. So you were in your office?

[redacted] I was in my office.

Perry: And you hear, you're kind of describing gunshots because you thought maybe the mobile range had left the door open?

[redacted] Yeah. I, I knew it was gunshots because they went like pop, pop, pop. Like three, I, I hear like three times. Right? So I

thought hm. What's going on? So I get up and I was going to go out and then I saw [redacted] and then I was like -- and [redacted] called Miranda.

Perry: Uh-huh.

[redacted] And so after that I was just in my office thinking should I go and check and then I hear more gunshots.

Perry: Uh-huh.

[redacted] And then I hear they say something and I just hear, I just hear they say down so I thought oh, I better go underneath my desk.

Perry: Was that the station P.A. or was it --

[redacted] Yeah. The P.A.

Perry: Okay.

[redacted] Uh-huh. And then as soon I getting underneath of my desk I realize (phone ringing), I realize oh, my God, my secretaries. So I went close to my door and then say come on over here. Come on over here. And then we all went out. Because, because at that point we don't know what happened.

Perry: Uh-huh.

[redacted] And then, I think, a sergeant or someone came and said turn the lights off. And so I turned the lights off in my office and we stayed there until a sergeant came. A sergeant would come? I don't even remember because I was really nervous. He says now is the time you can go if you want to go. So I thought we were going home so I got my purse and my phone and then he says no, no, no, no. Go downstairs and then he says no, no, no, no. Go upstairs. It's, it's more safe. So at that point I was even more scared because I thought oh, my God. Is there many people? I mean, I didn't know what it was.

Perry: Okay. Now you said [redacted] and [redacted] came into your office. What about [redacted]

[redacted] Oh, [redacted] too.

Perry: Okay.

[redacted] [redacted]too. [redacted] was the last one. I don't know if maybe because he was in -- I don't know. But I just called him. Yeah.

Perry: Okay. And you don't have, your windows, your -- I'm sorry. You don't have any windows in your office, right?

[redacted] Yeah. I do have windows to the left. Like my office is right here.

Perry: Uh-huh.

[redacted] And to the left I have windows.

Perry: Does it look outside?

[redacted] No. I look to the hall, like, you know, where the --

Perry: Where the stairwell is?

[redacted] Yes. Exactly.

Perry: Okay.

[redacted] Yeah.

Perry: Okay.

[redacted] Yeah. Because my office is like a kind of this side. So I don't have any windows through the -- it's not, it's not near to the, to the street.

Perry: Okay. But you can see straight out of your office to like where [redacted]--

[redacted] I can --

Perry: -- and where the copier is at and --

[redacted] Yes.

Perry: You can --

[redacted]: I can see her (INAUDIBLE) are the ones that are sitting near the windows.

Perry: Like to the right of the door?

[redacted]: Yeah. But I can see their (INAUDIBLE).

Perry: Okay. And that first initial gunfire that you hear it's just kind of describing where you're, you're characterizing. Rapid? Very, very fast?

[redacted]: I -- you know what. I'm not good of high (INAUDIBLE) and I don't know, but I just hear the, say hear pop, pop, pop.

Perry: A bunch of pops?

[redacted]: Like three times.

Perry: Okay. Good.

[redacted]: That's what I hear. Three times.

Perry: Okay.

[redacted]: And then when I heard that is when I was thinking to go and look what it was. But then I heard the rest and the rest were like pop, pop, pop. Like, like we didn't even know where they were coming from.

Perry: Uh-huh.

[redacted]: Yeah.

Perry: So a very brief pause in between the first set of shots and the --

[redacted]: Very brief.

Perry: -- (INAUDIBLE)?

[redacted]: Yes. Very brief.

Perry: Okay.

[redacted]: Uh-huh.

Perry: And then that's when you got your other workers into your office?

[redacted] Uh-huh.

Perry: Okay.

[redacted] Yes.

Perry: And you guys got down on the floor?

[redacted] Yes. Yeah. Well, I was actually put a pillow there and I was like and I told them just go down, you know. Because we, at that point I was thinking are there many shooters. Are they coming in. I mean, really especially when they say turn the lights off --

Perry: Right.

[redacted] I was panicked. I obviously was panicked. Because I never hear something so close and we could hear so many things. You don't know if it's the multiple shootings, if they were coming in or what it was. I had no idea.

Perry: And do you remember what it was you heard over the P.A.? What was said?

[redacted] I just hear the P.A. and I just hear they say down. So I don't know if they even say someone is down or something. I just heard down meaning you go down. You, you -- in case the bullets are coming, right? So that was my thought. So, but that's all I hear.

Perry: Okay. Did you, but the gunfire stopped eventually?

[redacted] Uh-huh. Eventually.

Perry: Yeah?

[redacted] Yeah. I mean, after the last, you know, the, them getting hitting more (INAUDIBLE) to see what happened.

Perry: Okay. Did you ever leave your office and go look out the windows or --

[redacted] No, no.

Perry: No?

[redacted] I was scared. I didn't left, we didn't left our office until someone came and says this is the time if you want to go out and that's when I got out my purse and my phone thinking okay, I'm going to go to my car. And then, and then I asked the sergeant and he says no, no, no, no. You're going downstairs. It's safer. And then he says, and I think it was Sergeant Martinez. I'm not so sure. And then he said no, no. Go upstairs. It's safer over there. And we went up there and we were scared because there was nobody there.

Perry: Yeah.

[redacted] So it was like okay. What's going on?

Perry: Okay.

[redacted] And that's it.

Perry: Prior to the gunshots, prior to hearing the gunshots, you were in your office?

[redacted] Yes. I was in my office.

Perry: Did you hear anything unusual before the gunshots?

[redacted] I didn't. Actually I was changing my Snoopy ears for Easter (laughing) because I was like, like the computer was, you know, the copier was down. I said oh, it's Easter tomorrow. I'm (INAUDIBLE) Easter, but it started, right? So I'm going to change it. And I had it in my hands when I hear that sound.

Perry: Okay.

[redacted] My Snoopy is still on my desk right now. Laying down. Yes.

Perry: Okay. How many gunshots do you think, think you heard? Can you --

[redacted] With the first time --

Perry: -- put a number on it?

[redacted] -- I can, I can say that I hear three. I heard pop, pop, pop. Then the other ones multiple. I don't know. I, I just remember it was like many.

Perry: Did the -- are you familiar with guns at all?

[redacted] Not really.

Perry: No?

[redacted] Because to be honest, I'm afraid of guns. And when I came to the department I was even afraid to be close to the deputies. I never liked guns. I, it just, afraid. Even when they bring it for you to enter, right? It's like are they unloaded? (laughing) It's so funny.

Perry: (laughing)

[redacted] Yeah. So I'm not familiar. I don't even know --

Perry: Okay.

[redacted] -- which one is the difference or rifle or -- I know the rifles are big, right? That's what I know. But I don't know their, their sound.

Perry: Okay. When you were hearing the pops --

[redacted] Uh-huh.

Perry: -- kind of like on Fourth of July. You hear the firecrackers?

[redacted] Yes. Yeah.

Perry: There's big firecrackers and there's the smaller ones. When you're hearing the pops were they, did they all sound about the same or were there some that were bigger or smaller?

[redacted] I can say it was different sounds.

Perry: Different sounds?

[redacted] Different sounds. But I don't know if they were. Because, because you can't say like, it was like, it kind of seemed like they were going this way. Something like this. Like right here.

Perry:	Here on the other side?
[redacted]	Like say when you hear the noise you kind of see the noise went not only from one way, but like --
Perry:	Oh, okay.
[redacted]	-- so it's a change. Kind of like --
Perry:	It's, like the sound was coming --
[redacted]	-- there were multiple like --
Perry:	-- from two different directions or --
[redacted]	Yeah. Like the --
Perry:	-- more than one direction?
[redacted]	It's more like when it's Fourth of July and they put the, the little things right or they pop, pop at, at the same time, but it has the different noises.
Perry:	Uh-huh.
[redacted]	I don't know how, how --
Perry:	So like the Fourth of July if you put firecrackers here and you put firecrackers in a different spot you would hear them from two different places?
[redacted]	Yeah. Something like that.
Perry:	Okay.
[redacted]	Yeah.
Perry:	Okay.
[redacted]	Uh-huh.
Perry:	Okay. But you never saw any deputies shooting their gun or anybody shooting a gun or anything like that?

[redacted] No. I didn't saw any deputies at all until they, until like I say, I think it was the sergeant or the lieutenant who came and in and said you can go now. If you want to go it's a good time.

Perry: Okay. Okay.

Matlock: You, you hear the first three shots.

[redacted] Uh-huh.

Matlock: And then the second group of shots. Did it sound like it was, the, the second group of shots possibly coming from more than one gun?

[redacted] The only difference I can figure were more. Like, you know, the first three it was like, like, like it was kind of the same sound, pop, pop, pop.

Matlock: Right.

[redacted] And the other ones more like noisy and --

Matlock: Were they not as rapid? Were they not as fast? The second time around?

[redacted] I think it was faster than the first time.

Matlock: Really?

[redacted] I think so.

Matlock: Okay.

[redacted] Yeah. I mean, that's the impression, but I don't know if it was because I was so scared at that point. I didn't know what was going on.

Matlock: And the second group that we're talking about did they sound the same in, and were, were some louder? Some softer? Some quiet, quieter?

[redacted] I would say two different sounds. Maybe.

Matlock: Okay.

[redacted] But I don't know if they were. I hear all of them loudly, but --

Matlock:	Yeah.
[redacted]	-- that like kind of different kind like, like --
Matlock:	Okay.
[redacted]	-- I don't know what to say. I really don't know.
Matlock:	Okay.
[redacted]	But it's not the same as the first, the first one that they were like three the sound like exactly the same. Like pop, pop, pop.
Matlock:	Right.
[redacted]	Pop.
Matlock:	Okay.
[redacted]	Yeah.
Matlock:	And the second group sounded --
[redacted]	Very loud again. And we don't know. It seemed like if more people shots because we know it wasn't one.
Matlock:	Okay.
[redacted]	And that's how it seems.
Matlock:	Okay. Nothing?
Presby:	I have no questions. Thank you.
Valle:	No questions. No.
Easter:	You said that when you were, you were sitting at your desk and you heard the first volley of shots. Did you say you stood up and then walked?
[redacted]	I had stood up and I was going to go and check what is going on because my first thing that had came to my mind was that the range was there --

Easter: Right.

[redacted] -- and maybe they left the door open. And you hear that, right?

Easter: Right.

[redacted] Because when they shot you, that, that was the -- then when I hear the second one I didn't move from there because at that point I was scared.

Easter: Where were you when you heard the second volley?

[redacted] In my office still. Because when I hear the first one I was like going out and then I go to the door and then I hear the other ones and I come back and sit down and then they sit down. I get under --

Easter: Okay.

[redacted] -- underneath my desk.

Easter: So you actually, so you actually stood up and walked to your door and then you heard the second one?

[redacted] To my door. I was going to my door.

Easter: Uh-huh.

[redacted] But I didn't get out from the, from my door. And then when I hear the second ones I came back. And when I hear down is when I get in, underneath of my desk.

Easter: Okay.

[redacted] And then I thought about the secretaries and I called them.

Easter: Okay. Could you estimate how long? Seconds? Had passed before the first volley and the second volley?

[redacted] I wouldn't say maybe a couple of seconds, I guess.

Easter: And that's --

[redacted] Five seconds.

Easter:	Okay.
[redacted]	I mean, I, I really, honestly, I couldn't say it.
Easter:	Okay.
[redacted]	Because I was, at that point I was just scared. I really didn't expect anything like that.
Easter:	Okay. I have nothing further.
[redacted]	Nothing further. No. No. Well, okay.
Perry:	Do you have anything?
[redacted]	Well, the only thing I'm going to say --
Matlock:	Yes.
[redacted]	-- is that maybe someone from here can talk to, to the department or any, anybody, that those windows should be bulletproof. Because the secretaries are right there.
Matlock:	Yeah.
[redacted]	And it's scary. And we've never been close to anything until now and I know everybody was scared.
Matlock:	Yeah. Well, that's something I'm sure that will come up in a, in an after action review of the situation. I'm sure that will be brought up. But we'll make sure we bring it up on our side as well.
[redacted]	Please.
Matlock:	Okay?
[redacted]	Okay.
Matlock:	And, you, you don't be afraid to do it either. You know, the, you have your operations staff here and --
[redacted]	Oh, yeah. I, I, I'll let them know. Yeah. I'm not afraid to ask --
Matlock:	Yes.

[redacted] -- because the only thing they going to say is either yes or no or maybe and, and I think it's for security because we don't have any way to put this in a different way.

Matlock: Yeah. Oh, I'm sure there's, there's, there's several altematives that are --

[redacted] Yeah.

Matlock: -- that are, that are open to you.

[redacted] Uh-huh.

Matlock: To keep you guys safe.

[redacted] Yeah.

Matlock: I'm sure, and I'm sure they'll take them.

[redacted] And hopefully it never happen again, right?

Matlock: Yes, yes.

[redacted] Because, you know, just, being so close it was scary.

Matlock: Got to be safe.

[redacted] Exactly.

Matlock: Yeah.

[redacted] Okay.

Matlock: Okay.

Perry: Thank you very much, ma'am.

[redacted] Okay. Thank you.

Perry: Thank you very much for talking to us, ma'am.

[redacted] That's fine. That's fine.

Perry: And it's 1245. We're going off tape.

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WINTESS [redacted]

WITNESS INTERVIEW:

[redacted]

Matlock: We're here at Temple Sheriff's Station. We're investigating a deputy involved shooting under file number 017-03249-0522-013. It's Monday, March 20th, 2017, at approximately 1247 hours. I'm here with Sergeant Ken Perry, also from Sheriff's Homicide.

Nakamura: Senior Investigator Gary Nakamura, L.A. County District Attorney's Office JSID.

Presby: My name is Shannon Presby, I'm a Deputy District Attorney with the Justice System Integrity Division.

Easter: Sergeant Anthony Easter, Internal Affairs Bureau.

Valle: Sergeant Paul Valle, from the Internal Affairs Bureau.

Matlock: And we're here with [redacted]

[redacted] Yes, sir.

Matlock: That's [redacted]

[redacted] That's correct, sir.

Matlock: And your employee number is [redacted]

[redacted] Yes, sir.

Matlock: Okay. [redacted] what's your job here? What's your job title?

[redacted] I'm a sheriff's station clerk 2.

Matlock: Okay.

[redacted] I'm one of the secretaries.

Matlock: How long have you been here at Temple?

[redacted] Since [redacted]

Matlock: Okay. And you work day shift?

[redacted] Yes, sir.

Matlock: What's your shift hours?

[redacted].

Matlock: And you got here today at [redacted], I'm assuming?

[redacted] Yes, sir.

Matlock: Okay. If you were a little late, I don't care.

[redacted] No.

Matlock: Did you get a restful night of sleep last night?

[redacted] I would say so.

Matlock: Okay. Are you under any kind of medication? Anything like that?

[redacted] No medication. I don't know if a, a [redacted] is a --

Matlock: No.

[redacted] Okay.

Matlock: When this incident initiated today what were you doing?

[redacted] I was scanning booking packages for the jailer.

Matlock: Okay. And I'm assuming you were at the copy machine?

[redacted] Yes, sir.

Matlock: And that would be on the west end of your office basically?

[redacted] Yes, sir.

Matlock: Okay. What drew your attention to anything going on in the parking lot area of the station?

[redacted] It was the first thing I heard. A big bang, bang, bang.

Matlock: Okay.

[redacted] Uh-huh.

Matlock: And you assumed that was gunshots?

[redacted] No. I didn't. I didn't know what to assume. I, I was, I just thought, I just heard the big bang, bang, bang and then I looked out there and then I saw deputies in front, scattering towards the, towards the front entrance of the lobby and then, and then I thought maybe it could be gunshots or it could be other things making a loud noise. But I eventually concluded it could be gun, it could be gunshots because I, I heard people telling us everybody, you know, get down. Everybody go to [redacted] office and, you know. And then, then finally I heard, I believe it was Deputy Kevin Ferraza (sp) saying over the, you know, the loud speaker there's a 998 or whatever you call it, in the front parking lot. And --

Matlock: Okay. You were at the copy machine?

[redacted] Yes.

Matlock: Before you heard the, the series of the loud noises?

[redacted] Yes, sir.

Matlock: Did you hear any voices? Any loud, like hearing any loud voices or --

[redacted] In the parking lot? No.

Matlock: Okay.

[redacted] Actual, actually, no.

Matlock: Okay.

[redacted] No, sir. And all I heard was the big bang, bang, bang.

Matlock: So when you first heard the big bang, bang. Was it three of them?

[redacted] You mean, you mean the, the banging?

Matlock: Yeah.

[redacted] Oh, I heard more than just three.

Matlock: Okay.

[redacted] But when I first hear it I think I heard the, you know, three or maybe four, you know. More, more bangs that succeeded them.

Matlock: Okay.

[redacted] That was (INAUDIBLE).

Matlock: When you first heard the first series of the, the banging noises that you heard did you look out in the parking lot?

[redacted] Yes.

Matlock: And what did you see initially?

[redacted] Let's see. I, I saw some people, you know, some people around there.

Matlock: Around where?

[redacted] Like in front, in the front parking lot. Mostly the deputies, you know, looked like the dep, a few deputies were, you know, in a group here.

Matlock: Where's here?

[redacted] At, well, in a group on the, close by the front entrance.

Matlock: Okay.

[redacted] And then anywhere, I mean, they look they were, you know, scrambling at the front entrance. I guess, I guess, they were, you know, taking a brief, taking a precautionary distance --

Matlock: Okay.

[redacted] -- from the scene.

Matlock: I'm going to show you a, a very poor drawing I did of your parking lot here. This is the driveway coming in.

[redacted] Yes, sir.

Matlock: This would be your, the entrance to the station kind of over here.

[redacted] Yes.

Matlock: So when you said you heard the three loud banging noises --

[redacted] Uh-huh.

Matlock: -- and then you looked outside and you saw a group of deputies.

[redacted] Yes.

Matlock: And where were they exactly?

[redacted] Around here.

Matlock: So --

[redacted] Yeah. And, and they seemed to be --

Matlock: So you're indicating the middle of the parking lot just about?

[redacted] More or less. Yeah. And they, they were, and I saw them moving towards the front entrance like that.

Matlock: Okay. So when you first looked outside they were in this area --

[redacted] Uh-huh.

Matlock: -- middle of the parking lot?

[redacted] Yes.

Matlock: Fair to say. And then you, they started walking towards the entrance of the station?

[redacted] Yes.

Matlock: Okay. And how many deputies were there?

[redacted] It was a group of them. I, I couldn't determine how, just how many.

Matlock: Okay.

[redacted] But then I saw, I, I guess two or three.

Matlock: Okay.

[redacted] About.

Matlock: Any of them you recognize?

[redacted] No.

Matlock: Okay.

[redacted] Not, not from that. Just --

Matlock: Okay. And that's -- so they're walking towards the entrance to the station?

[redacted] They're not walking towards, but they were, let's say, they were, you know, moving themselves towards the entrance. I guess to, I guess, to get away from the, the wherever the shots were apparently being fired.

Matlock: Okay.

[redacted] And, and the, but the, not, not walking toward the incident per se.

Matlock: Uh-huh.

[redacted] It looked like they were, like they were heading toward the entrance. I mean, I mean, deliberately walking toward, but they were like walking sideways, if you will.

Matlock: Okay. Kind of in a group walking tactically?

[redacted] Yes. Yes.

Matlock: Okay. Did they have their guns pointed out?

[redacted] I didn't --

Matlock: Pointed in any direction?

[redacted] -- I didn't see any guns pointed from, from anywhere.

Matlock: Okay. Did you see any other deputies in the parking lot?

[redacted] No. From that group or no.

Matlock: Okay. Not, not necessarily from that group, but did you see any other deputies?

[redacted] No. Not, not near the parking lot.

Matlock: Okay. Anywhere else?

[redacted] The next thing I knew after, after the attention was called over the, over the, the paging system --

Matlock: Okay.

[redacted] -- I saw a whole group of deputies, you know, walking down the hall and toward the entrance. Well, they were running towards the --

Matlock: Okay.

[redacted] -- front entrance. Toward the lobby.

Matlock: What, what did, what did you hear over the, the public address system?

[redacted] Like attention all units. There's a, a well, someone, I think, we have a 998. Or what, whatever we call it. 998 in the front parking lot. I understand that's, that's the code for the deputy involved shooting.

Matlock: Okay. So you heard, you initially heard the shots?

[redacted] Yes.

Matlock: Or the loud banging. What did you hear after that? Any more initial shots?

[redacted] Soon after the, the first three or four shots I heard one more succeeding those. After one more banging boom, boom, boom, boom, boom. Then the, the -- well. At that time I caught everybody's attention and, and, and, and [redacted] told us to, you know, walk toward the office, her office, and, and, and, and we had deputies in the office telling us, you know, go, go into [redacted] office. And then, and, and get down and all that.

Matlock: Do you, do you, do you recall a timeframe in between the first group of loud banging? What we assume to be shots -- and the second group of, of shots? Was it ten seconds? Twenty seconds? Five seconds?

[redacted] I would say around, around five seconds. The second, after the first shots if they were. And after the next five seconds I hear more and then like a couple more and, and, and then five or six seconds another couple of more shots.

Matlock: Are you familiar with guns at all?

[redacted] Not, not really.

Matlock: Have you ever, you ever shot a gun or spent some time or --

[redacted] (laughing) The only thing I ever shot was a BB gun.

Matlock: Okay.

[redacted] Like a long time ago.

Matlock: Did -- in the second group, after the first. You, you heard the first group. And then was the first group was it real rapid or was it more bam, bam, bam?

[redacted] Uh --

Matlock: Or how do you recall those?

[redacted] They maybe, they may have been more frequent than bam, bam, bam. It may have been bam, bam, bam, bam. Like that.

Matlock: Okay. Could you tell if it was, if you can't, it's no big, it's no big deal. But could you, could you tell if it was from one gun or was it from multiple guns or could you tell?

[redacted] As far as I can tell it sounded like just one gun.

Matlock: Okay.

[redacted] And it sounded like it was coming from where I, where I was told the, the, the suspects were. It, it was in that area where I had first heard those, that loud banging --

Matlock: Okay.

[redacted] -- and that's a --

Matlock: What were you told?

[redacted] Well, I saw in the news that we had a, a one monitor that we watched. It was on the, the northwestern side of the, of the parking lot and that's where I first heard the banging.

Matlock: Okay.

[redacted] And that's what I keep hearing the sound coming from.

Matlock: Okay. On that second group of shots that you heard --

[redacted] Yes.

Matlock: What we assume to be shots -- did that sound rapid? Was it a little more spaced out?

[redacted] Spaced out.

Matlock: Okay. Did it, did they, did all of the loud boom sounds sound the same? Do they sound similar?

[redacted] Pretty similar. Yeah.

Matlock: Were some louder? Some not louder? Or similar?

[redacted] Similar.

Matlock: Okay. In your opinion, could it have been more than one gun or just one gun?

[redacted] It sounded like just one gun to me.

Matlock: Okay.

[redacted] But then, if it was more than one gun it would have fooled me.

Matlock: Okay. And after that second series, series of shots you heard some additional shots, right?

[redacted] Yeah.

Matlock: Okay.

[redacted] Just a, a, you know, not, not as rapid as when I first heard it.

Matlock: And where, where were you when those occurred?

[redacted] When those later shots were fired?

Matlock: Yes.

[redacted] I believe I was already in [redacted] office with everybody else and we were taking cover.

Matlock: And [redacted] called you to her office?

[redacted] Yes. And I, I think, I think she did and the, and the deputies that were at hand were telling us also to get in there.

Matlock: And when you got in there what did you guys do?

[redacted] We just got down. We went, we got down to our knees and, and, you know, made sure we stayed low.

Matlock: Okay. And how was the lighting condition in there when you guys were in that office?

[redacted] We started turning off the lights.

Matlock: Okay.

[redacted] In, in the office and, and all through the secretarial the, the lights were being turned off so that we could --

Matlock: And how long did you guys stay in there?

[redacted] Only for about, about three or four, about four, four minutes. Probably less than five and then, then we were told to, you know, get out of there and to go upstairs to the second, to the, to the Detective Bureau where we can, we can have, have better cover.

Matlock: At, at any time when you, when you were looking out into the parking lot did you see any of the deputies shooting?

[redacted] No.

Matlock: Okay.

[redacted] I didn't actually see any deputies actually shooting. Just --

Matlock: Did you see anybody else?

[redacted] No.

Matlock: Other than the, the group of deputies that you saw in the middle of the parking lot that were moving towards the station that we already discussed, did you see anybody else in the parking lot?

[redacted] Huh-uh. Actually no, I didn't notice any other figures. No.

Matlock: Okay. All right.

Perry: Just the -- [redacted] the, the deputies that you saw that you, I think originally said it was like they were scattered toward the, the front lobby entrance. Were they, I mean, if you could imagine, those bangs that you're hearing are gunshots, are these deputies moving with purpose like to get out of the way like they're in danger? Is that --

[redacted] More --

Perry: -- how would you interpret what you saw?

[redacted] More or less. More or less.

Perry: Okay. And I don't want to put words in your mouth. I apologize.

[redacted] No. That's all right. No. More or less. Or taking, taking a precautionary move, if you will.

Perry: Okay. Are they running?

[redacted] No. Not running. Just, just stepping, stepping toward the building.

Perry: Okay.

[redacted] Toward the entrance.

Perry: And were they, were they facing you?

[redacted] No.

Perry: Were their backs to you? Could you see a, a side of their body? Like the right side?

[redacted] I, I couldn't really, really tell which direction their bodies were facing, but I could just tell that they were in a group and that they were -- I think one or two I noticed were either, you could see it sideways or in the back, but the --

Perry: But not facing you?

[redacted] No. I couldn't tell. I couldn't tell about that.

Perry: Okay.

[redacted] Nothing, nothing that I -- over that distance.

Perry: And you couldn't tell if any of those deputies had their guns out?

[redacted] No. I couldn't tell.

Perry: Okay. And you're in the copy room when you first hear these bangs?

[redacted] Well, actually not in the copy room itself. But the, on the, I was working with the copier outside of that copier room.

Perry: Okay.

[redacted] Or that -- the one that's outside.

Perry: Okay. So all you have to do is if you're standing there is just look to your right, right?

[redacted] That's right.

Perry: If you're looking through that, that open portion of the window that looks out to the parking lot?

[redacted] Yes.

Perry: Okay. And you could see -- were there any cars that you remember seeing parked out there?

[redacted] A few.

Perry: Okay. And do you remember what kind of cars?

[redacted] I'm afraid not.

Perry: Okay.

[redacted] I, I can just notice that there was some parked cars in the, in the parking lot.

Perry: Okay. And the deputies that you saw you kind of described them when Scott showed you the, the drawing. Kind of closer to the entrance door or the lobby door?

[redacted] Yes.

Perry: Would they be -- so if you're looking out that window to your right. When you're looking out that window to your right can you see the, the driveway entrance to the parking lot off of Las Tunas?

[redacted] The, you mean, the doors that lead out from the lobby?

Perry: No. No. You're standing in your office.

[redacted] Yes.

Perry: A, a, where you work. And saw this happen. And you look out those windows. Can you see the, the vehicle entrance into the parking lot? Off of Las Tunas?

[redacted] Oh --

Matlock: The driveway?

[redacted] Yeah. The driveway. A little bit.

Perry: A little bit of it?

[redacted] Yes.

Perry: Okay.

[redacted] Uh-huh. Because, of course, the, the, I think some of the blinds were closed at the time.

Perry: Right. Those, those are the outer --

[redacted] Yes.

Perry: -- metal louver blinds that are outside, right? So about half of them were closed?

[redacted] Yeah.

Perry: The half at the west end, they were open.

[redacted] Uh-huh. Yeah. But the -- I, it's not like I could actually tell that. I mean, it's not like I, I could actually see the driveway. I didn't, I don't remember actually seeing the driveway from where I was at the time.

Perry: You know it's there. You've worked here a long time.

[redacted] Oh, yeah.

Perry: You know where it's at.

[redacted] Yes.

Perry: Right? And you know when they're moving that direction that's towards the, the lobby door, but from you're standing you can't actually see the lobby door, right?

[redacted] No, no. Nothing that direction. No.

Perry: Correct.

[redacted] It's, it's way back here, you know.

Perry: Correct. Okay. It sounds like that's here.

Matlock: Yeah.

Perry: You know what. I'm sorry. I'm sorry. One more question for you. Do you, do you wear glasses? Do you have contacts?

[redacted] No. I don't wear contacts, but I wear, I wear prescription glasses to see far.

Perry: Okay. And you said, like me, but you're the opposite of me. I've got to wear cheaters to be able to read things that are close, right? So the far way --

[redacted] Yes.

Perry: -- things get a little fuzzy for you?

[redacted] Yes.

Perry: Okay. Where, when -- and if you were being in the secretary, where you worked today, and looking out, would things, everything be crisp and clear for you out there in the parking lot or is that a little blurry or what happens to your vision?

[redacted] A little, yeah. A little blurry from a distance. Everything, everything from a distance is blurry to me.

Perry: Okay.

[redacted] Yeah. But I could tell that there are deputies out in the parking lot.

Perry: And that's a good question. How did you know that they were deputies?

[redacted] I, I, I could, I noticed, I recognized their, their uniforms. Their patches on their shoulders, you know. So I can tell.

Perry: Okay.

[redacted] It's not like, it's not like everything looks, you know, well --

Perry: It's just not, it's just not crisp that you can make out what you're looking at. You could, you could tell when a person is in uniform or civilian clothes or --

[redacted] Yeah. I've seen them, I've seen the deputies' uniforms long enough.

Perry: I believe so. Okay. All right. I think that's it.

Matlock: Yeah.

Presby: I have no questions. No. Thank you for talking to us.

Perry: Any questions?

Valle: No. Thank you.

Perry: Okay. All right. (phone ringing) All right. Thank you very much.

[redacted] You're welcome, sir.

Perry: (phone ringing) (INAUDIBLE).

JL
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WITNESS SERGEANT JAMES LONG

SH 2423868

WITNESS INTERVIEW

SERGEANT JAMES LONG

Valle: Okay, today is October 16, 2018. The time is 11:43 a.m. My name is Sergeant Paul Valle, and this is Sergeant Israel Renteria of the Internal Affairs Bureau, which is commanded by Captain Josie Woolum. Today we're going to be interviewing Sergeant James Long regarding shooting case #SH2423868. My last name is spelled V as in Victor-A-L-L-E.

Renteria: Sergeant Israel Renteria, R-E-N-T-E-R-I-A.

Valle: James, can you please spell your last name.

Long: Long, L-O-N-G.

Valle: Elizabeth.

Gibbons: Elizabeth Gibbons, G-I-B-B-O-N-S.

Valle: Thank you. James, before going on tape I represented you with an administrative rights form. I see you answered the two questions and dated and signed the bottom. Do you have any questions about the form before we continue?

Long: No.

Valle: Okay.

Gibbons: Can I see that form for a second?

Valle: Absolutely.

Gibbons: I know that there's one version of this form -- I think that there's a more recent version of the form that says that he's not waiving his rights under the civil service rules. I don't see that on this form.

Valle: Okay.

Gibbons: But by signing this form, he's not waiving his rights under the civil service rules.

Valle: Okay, very well. James, before today's interview I had sent you and your attorney, Elizabeth, a copy of your transcript that was conducted by Homicide interview that was conducted on March 20, 2017. I see you have a copy in front of you. Did you have an opportunity to review those transcripts before today's interview?

Long: Yeah. I've read it maybe a week or two ago.

Valle: Okay. Okay. If you have any need to refer to it, by all means. If you need to take a break, let me know and then we'll take a break.

Long: If I do, I'll refer to that. I'm referring to it. Thank you.

Valle: Perfect.

Gibbons: It's an open-book exam, so feel free.

Valle: Okay, James, quick synopsis of your work history. Where did you work and what year did you get to those assignments?

Long: [redacted]

Valle: Uh-huh.

Long: [redacted]

[redacted]

Valle: That's a good memory. Where were you a [redacted]?

Long: I was a [redacted] --

Valle: Okay.

Long: -- [redacted].

Valle: Okay. Okay. And now are you still currently assigned to Temple?

Long: I'm currently assigned to Temple. I'm, in fact, on duty today, 50 Sam.

Valle: Okay. And are you currently assigned to patrol or do you have a special unit?

Long: Patrol, I've been patrol every second of every day.

Valle: Okay.

Long: So I worked [redacted], and you know, whatever they need me.

Valle: Good.

Long: Overtime all over the County, I mean, you know, they need sergeants, so --

Valle: So as I mentioned and, of course, the reason why we're here is because of the shooting that occurred on March 20th, 2017. And that occurred at the Temple Station parking lot, the front parking lot off Las Tunas. That morning, what was your assignment?

Long: It was 50-Sam. I was the field sergeant. Done 6:00 and I was on the [redacted] We have [redacted] There's a [redacted] which is the [redacted] then you have a -- about [redacted] is at [redacted] and then [redacted]

Valle: Were you a day-shift sergeant or early mornings?

Long: I was day shift.

Valle: Okay. Okay. Do you recall what time you started your shift that day?

Long: 5:30.

Valle: Okay. So you would go from 5:30 to 1330?

Long: Correct.

Valle: Eight-hour shift? Okay. That morning, were you wearing a full Class A uniform with a gun belt?

Long: Yes.

Valle: Okay. Did you have a portable radio on?

Long: Yes.

Valle: Besides your firearm and your gun belt, did you have any other weapons or equipment on your person?

Long: I had a .38 and possibly a Sap --

Valle: Okay.

Long: -- a 415 Gonzalez Sap.

Valle: Okay. Did you -- do you know if you had a taser that morning?

Long: Not on me. It was in the unit.

Valle: In the unit, okay.

Renteria: And the .38, where did you carry that?

Long: Left front pocket.

Valle: Okay. So that morning, how is it that you learned about the suspect in the lobby? I want to say he's been identified as Suspect -- I think it's Andrew Lane.

Renteria: Lane, is it Andrew Lane?

Long: I'm not sure of the first name.

Valle: Okay. Well, let's just say the suspect. How about we just identify him as the suspect. That morning, how did you learn about the suspect being in the lobby?

Long: Deputy Brian Vance came to the briefing room at 7:25-ish, 7:20, said he needed a hand. There was a person who was wanted that was acting a little froggy, thought he might be armed because he flashed a SWAT badge at him and he found something that was weird. Deputy Vance was a 290 registrant. He worked out of our DB office upstairs in the mornings. On weekdays he was registering -- especially early in the morning I think the sex registrants come in and do their registration. So it was one of his registrants. He said the guy was froggy, thought maybe he was possibly armed the way he flashed his badge, and he thought something was weird, and he said he had two felony warrants for his arrest.

Valle: Okay. So were you conducting briefing at that time?

Long: Correct, yes.

Valle: Okay. Okay. And you had various deputies in the briefing room with you?

Long: Yeah. Well, I know Inthavong was there. I think Henry Shue and a couple others. I can't name everybody.

Valle: Sure.

Long: I believe Lieutenant Handline (phonetic) was in the room and myself. There was at least five to six of us, five, I would say.

Valle: Okay.

Long: I think there were three deputies and me, so I don't know -- I know Henry and Scott and I think I asked Scott to help him.

Valle: Okay.

Long: And Henry did go with him.

Valle: So you mentioned that Deputy Vance, and for the recording is spelled V as in Victor-A-N-C-E, you said Deputy Vance mentioned that he had a SWAT badge. Did he also give you any other information or did that information translate to something for you that he had a SWAT badge?

Long: Yeah. He just had a badge. He flashed a badge. I believe, you know, Brian saw a badge and, you know, I trusted Brian's instincts and said, "Hey, maybe he's armed, something's up."

Valle: Okay. So you mentioned right now that you -- that triggered some type of possibility that he may be armed?

Long: Oh, possibly.

Valle: Okay.

Long: But you know, like I said, I hadn't seen the guy or assessed him or anything, but he was supposedly in the lobby waiting for the detective to come out and finish his paperwork.

Valle: Okay. What did you do what that information? Once Deputy Vance informed you of that, what did you do? Did you --

Long: Well, got a group of deputies and went with him, followed the deputies towards the lobby and I made sure we had a less-lethal. I believe Henry Shue or Inthavong had a taser. I know someone did. I believe Shue had a taser. My thought -- that's my recollection is Shue had a taser and, you know, I designated him as a less-lethal, but one, my desire was to get to the door in the lobby as fast as possible and contain it to the lobby.

Valle: Okay.

Long: Because if it was in the lobby, it would be a much easier, quicker deal. There's not -- there's, you know, some bathrooms, but it's a small lobby and we're maybe a ten-foot little hallway in front of the watch deputy's office from the door access to it.

Valle: Okay. So you mentioned Deputy Shue, correct?

Long: Yes.

Valle: And that's spelled S-H-U-E. You mentioned Deputy Inthavong?

Long: Correct.

Valle: And that's spelled I-N-T-H-A-V as in Victor-O-N-G.

Long: Right.

Valle: Who else was with you?

Long: Deputy Vance -- Deputy Botten was at the doorway to the lobby. He asked if he could help or what's going on. I said, "Hey, there's a warrant subject in the lobby." He says "Can I help?" I said "Sure."

Valle: Okay. So we got Deputy Botten --

Long: Botten.

Valle: -- Deputy Inthavong --

Long: That's Nathan Botten. He's an early-morning 5-5 earlies.

Valle: Okay. And that's spelled B-O-T-T-E-N.

Long: Correct.

Valle: Let me go through the list real quick. You got yourself --

Long: Uh-huh.

Valle: -- Deputy Botten, Deputy Inthavong, Deputy Shue, and Deputy Vance.

Long: Correct.

Valle: Is there anybody else?

Long: Not that I was aware of, but I mean there are two lieutenants. The doorway out was right by the lieutenant's office. I recall McNeal and Handline being there by it.

Valle: Okay.

Long: That was about it.

Valle: And so you mentioned Deputy -- you formulated some type of a plan; is that correct?

Long: Yeah.

Valle: Can you tell me about that plan?

Long: Well, the plan was to go out, contact him, and detain him and arrest him on the warrants.

Valle: Okay, but --

Long: So one, he described -- Deputy Vance described his clothing. I think it was a cowboy hat, loose shirt, black pants, and figured there wouldn't be too many people like that in our lobby. So the initial thing was to get out and contact. We went out -- ultimately, we got the door less lethal, "You guys are my contact team," and I get up on them give them orders first, you know, was the initial plan. And it was just to go out and make contact, so we go out in the lobby, he's not at the counter. He's not in the chairs and we see him outside.

Valle: Okay. Let me put you on pause there. So you did designate somebody to be less-lethal?

Long: Yes.

Valle: You just don't remember who was --

Long: I think it was Shue. I think Shue had the taser. Those are my thoughts.

Valle: Any other assignments amongst these deputies what they were responsible for?

Long: Inthavong was to talk, and Nathan and him were the contact.

Valle: Was Deputy Vance part of this team?

Long: He was with us. You know, I wasn't utilizing him. He was in civilian clothes. He didn't have any gear on, but I did not utilize him, but -- and one, he was there kind of also to confirm an identity of the person.

Valle: Okay. Okay. So now you have this team of deputies with you. You walk out into the lobby, and you had mentioned that you didn't see him in the lobby. You didn't see him in the chairs.

Long: Yeah.

Valle: But you saw him outside?

Long: Yes.

Valle: Okay. So what did you see when you saw him outside?

Long: He was standing against the wall just outside the little porch. There's a porch with an angled wall outside the front door of our station.

Valle: Okay. I'm going to show you a photograph and it's a picture depicting the front of the station with the emblems on the wall, Los Angeles County Sheriff's Department Temple Station. Is this the area that you saw the suspect standing?

Long: Yes, but I mean, it's a different perspective. It's more angled. It's flatter when you look at it from inside the lobby.

Valle: Okay.

Long: Because he's outside, we're coming out, and this is an angled walkway.

Valle: Okay. Let me see if I can show you a better picture. Maybe an overhead picture will give you a better -- I'm going to show you another picture. It's an overhead -- looks like it's an aerial photograph --

Long: Okay.

Valle: -- of the station parking lot.

Long: Okay.

Valle: Is that a better picture where you can identify or show us where he was standing?

Long: Yes. Yeah. He was standing right here. It's this wall.

Valle: Okay. I need to take a break. I'm going to bring a red marker so we can identify it.

Long: Okay.

Valle: Take a quick break. It's 11:57 a.m.

(OFF RECORD)

Valle: Okay, we took a short break to retrieved a red pen. The time is 11:58. Okay, James, can you mark with an x where you saw the suspect standing when you saw him within the lobby?

Long: This is the best I can do from memory and this photo.

Valle: Okay.

Long: I'm sure if I had a picture from inside the door out I could put exactly -- and looking here is kind of -- he's right -- my recollection is he is --

Valle: Okay. So he's standing outside of the station?

Long: He's standing out. His -- my recollection, his left foot was up and he was kind of leaning back into the wall with his head down.

Valle: Okay. And like you said, there was a pretty good description, a unique description.

Long: Yes.

Valle: Did you see the -- he was wearing those clothing items, articles?

Long: Yes. Yes. People in the lobby I recall maybe Asian, older, and definitely not anywhere near our target. Two, when he was not there you can see him right outside. I saw him react to seeing a group of deputies, too, so --

Valle: Okay. Okay.

Long: And then it was, you know, "Get out" and the deputies were right on him. They were going out the door and I was following the deputies.

Valle: Okay. So tell me, what did you observe when the deputies were in front of you and making contact?

Long: He was -- well, what I observed is, one, he initially started to put his foot on the ground and turn to walk down the steps here.

Valle: Okay.

Long: Deputy Inthavong and Botten I think were first out the door and I think I was behind him and I heard -- I believe Inthavong told him to stop. And he was probably around here when we were exiting the door maybe eight feet to ten feet behind him.

Valle: So you're saying that he actually walked down the steps into the parking lot?

Long: Yeah. He walked -- he was -- he walked and he was at least at the bottom of the steps by the time the door was opening and being told to stop.

Valle: Okay. Okay.

Long: So he's being told to stop. I see his back. He's got a loose shirt and he starts running as soon as they say "stop." The deputies follow. I had told them "follow" and we're watching him run. Botten and Inthavong were following him. I'm not sure where Shue and Vance were. I followed, I believe, Botten and Inthavong. But this is not a good photo because we can't --

Valle: Right.

Long: -- but the direction was he was angling right towards those palm trees.

Valle: Okay.

Long: There was a work truck, a large work truck that had been in the parking lot. I knew it was one off the workers on the Larix (phonetic) or the tower that was being built in the southwest corner of the lot or kind of the west side of the lot, but I also knew the lot is a box. There's no way out of the lot unless you go out the driveway or back around the front of the station to the right.

Valle: Okay. All right, James. We'll utilize the overhead in a minute, you know, give a better description of the path that he took; however, I want you to back up a little bit.

Long: Okay.

Valle: So when the deputies made contact with this suspect, did you hear the deputies tell him anything?

Long: I heard "stop."

Valle: Okay. Did you hear the suspect say anything to the deputies?

Long: No.

Valle: Okay. So from your recollection, he immediately began running?

Long: Yes.

Valle: Okay. To you, how did he appear at that morning before he runs away? Is there anything that you noticed about him?

Long: Well, no. It looked like he was running fast. He wanted to go.

Valle: Okay.

Long: He started going. One, what my initial assessment he didn't appear he didn't have, I didn't think initially seeing him move, that there was a weapon in his waistband. That was my initial assessment, and then I watched his -- as we were going out, he was, yeah, he was ahead and he's running at kind of an angle here. Inthavong was closest. I think Botten was behind, and then me, and when I got -- when we got out to about here, he looked like he was running so hard that he wasn't going to stop. I thought he was going to hit the wall or the truck or go -- trying to go up this corner. And I veered off up here, starting going off the ramp for the driveway. He ran past his truck to the back of the work truck. Looked like he looked to the wall and then did an about-face and came immediately towards the door. When he stopped here, I stopped and I came back, I started coming back down and across. My recollection is Scott Inthavong was here, stopping around here. Botten had worked his way in front of the car and I came up behind this car. I was behind this trunk, and Botten was in between the trunk and kind of the engine block of the truck.

Valle: Okay. So before we go any further, what I'd like you to do is utilizing the pen --

Long: Okay.

Valle: -- is draw the path that the suspect took from this marker that you identified where he was standing --

Long: Okay.

Valle: -- to where he ran. You can just use a dotted line.

Long: Okay. So he walked, he walked. They said "stop." And he ran this way.

Valle: Okay. And you said that you thought he was going to jump that north wall onto the sidewalk?

Long: Yeah. I thought that was his escape because I -- that truck I had seen in the parking lot forever.

Valle: Okay.

Long: It had been there for months, and they'd been working on this huge tower over here for quite a while. One, I didn't think that was his car and I thought he was heading to escape. It looked -- he was on full tilt.

Valle: Okay.

Long: He was -- looked like he was running to escape and not running to a car.

Valle: So when you saw him running in that path, you said Deputy Inthavong was following him?

Long: And Botten.

Valle: And Deputy Botten, okay. With a solid line, can you show me the path that you took?

Long: I came out, watched him, and then I veered here, and about over here when he got here, he stopped. I thought -- when he stopped, I go okay, he's not --

Renteria: He's going to jump.

Long: Well, no, he's not -- I thought if he had continued running, he would have the momentum to hit this truck, get up and get over this wall. It's kind of a tie us point and, you know, he'd be on the sidewalk, so I was just concerned. I wanted to come up and in case, you know, he was going to get out of the parking lot at least someone was going my way. I don't know where Shue was, but I believe he was behind me or somewhere in this area and also Vance. There were civilians over here and there were the workers, at least two that I recall, and I got here, and when I got there he stopped and then turned around and went right to the door. I came across here at about here.

Valle: Okay. And where was Deputy Botten at the time?

Long: I put a B where I --

Gibbons: Which time? At the -- when he stops?

Long: When I came up to Botten, he was kind of in between the trunk of this car and the other car there.

Valle: Okay. Can you put an I where you believe Deputy Inthavong was standing at this point when you got back to this point? Okay. Do you know where Deputy Shue was at the point?

Long: No, other than he was -- I believe he was behind me.

Valle: How about Deputy Vance?

Long: I did not know.

Valle: Okay. So when you got to this location in front of this white car, what did you see the suspect doing?

Long: He was -- had opened the door. He crouched down. He grabbed something, and he was making a loading motion like a shotgun. I saw his right arm go like -- twice, at least twice, making what I thought to be a loading motion.

Valle: So what door do you remember?

Long: It was the rear passenger door to the car.

Valle: Okay. So he's standing outside the car with the door open and you're seeing some action.

Long: Right.

Valle: And you were using your right hand to describe it

Long: Yeah. His right hand -- to me, his right hand was moving.

Valle: Okay.

Long: And I was looking over Botten's arm initially with my gun out at the crack between the driver's window and the seat, the console, and I could see his body and I could see motion.

Valle: Okay. So let me ask you. At that point when you saw this action, his hand going back and forth, did you see a weapon?

Long: I did not, but I heard "Gun, gun, gun" from Inthavong.

Valle: Okay.

Long: It was kind of a contemporaenous, "Gun, gun, drop the gun." Next thing, you know, the gun's coming up. He starts to fire rounds. I see the gun actually lifting.

Valle: What kind of gun did you see?

Long: It was a long gun, so I assumed it would be a shotgun or rifle, but I didn't know. It was just a long gun. I saw the barrel portion, the end of the stock, and some of the barrel through the view.

Valle: Okay. Let me get a different photograph for you. I want to show you a picture. It's the suspect's vehicle. It looks like it's facing towards us.

Long: Yes.

Valle: I don't know if that's a good picture for you to show me where you were -- can you put it down flat?

Long: Yeah.

Valle: Okay. Either of these two. Can you show me on which picture where you were standing and where Deputy Botten was or do you think this picture --

Long: Botten was almost right at this wheel well.

Valle: Can you put where you believed on that picture a B. Okay. And where do you think you were standing?

Long: I'll put a J or an L.

Valle: Okay, that's fine.

Long: I was right there kind of off his shoulder.

Valle: Okay. So was any of these doors open on your side, the driver's side?

Long: No.

Valle: Okay. So where did you see this action happening? Was it through the window?

Long: It was over Botten's arms and through the window. I believe it was this front window.

Valle: The front windshield?

Long: Right.

Valle: Okay. And you said you had your gun out?

Long: I had my gun out.

Valle: And was it -- where was it pointed?

Long: It was pointed at the suspect.

Valle: Okay. Well, what about Deputy Botten, did he have his gun out?

Long: He had his gun out and I was aiming over his wrist, and when I realized I was aiming over his wrist, I came off target.

Valle: Okay. And you had mentioned that you saw Deputy Inthavong towards the front of the gray vehicle on the west side of the parking lot?

Long: Uh-huh.

Valle: Do you know if you saw his gun out?

Long: He yelled "Gun, gun." I heard -- yes, I saw his gun out.

Valle: Okay.

Long: I saw him a crouched position and firing rounds in a rapid succession.

Valle: Okay.

Long: And he was crouched, the barrel was out, the smoke was going, and he had a good angle of fire.

Valle: Okay. When you saw the rifle came up, you believed a long rifle, some type of a long weapon coming up, that was from within the back seat?

Long: The back seat.

Valle: Okay. When you saw that weapon, what did you do?

Long: I started yelling at Botten to shoot because I believe he had a shot at Botten and me if he just moved it six inches. If the barrel could go

through the angle to the right, he had a clean shot through glass at Deputy Botten and myself.

Valle: Okay.

Long: I was -- I yelled "Shoot, shoot, shoot," and I don't know. There was almost, you know, 10 to 15 rounds or more already fired, and he was at an angle here. We were here. I wanted him to shoot because as the rounds are going, the gun's coming up. I'm yelling "Shoot, shoot." The guy's jumping into the car. He ended up jumping in all the way and we lose view of him. I'm pulling on Botten's belt and telling him to "Shoot, shoot, shoot," and as he shoots we're bailing out of there to take cover.

Valle: Okay. So let's get a sequence of time here.

Long: Okay.

Valle: Inthavong is standing on the -- near the gray vehicle. You and Deputy Botten are on the driver's side of the suspect's vehicle?

Long: Uh-huh.

Valle: What occurred first? You seeing the rifle or the beginning of gunfire from Inthavong?

Long: It's approximate time. I heard "Drop the gun, drop the gun" and then -- or "Gun, gun" and the firing began.

Valle: Do you know who yelled out "Gun, gun, gun"?

Long: I believe it was Inthavong. I thought it to be Inthavong. That's where the sound came from.

Valle: So you hear gunfire begin and then you see this barrel coming up and you tell Deputy Botten "Shoot, shoot, shoot"?

Long: yeah.

Valle: So while you're saying that, the gunfire is occurring?

Long: Right.

Valle: Okay.

Gibbons: I think it's more simultaneous.

Long: Yeah. I was loud. I was yelling "Shoot, shoot, shoot" because I thought we were in a life or death situation.

Renteria: Now were you yelling that as Deputy Inthavong was firing rounds --

Long: No. He had already started. He had already started. He continued.

Renteria: But as he's continuing, are you yelling it out at the same time?

Long: It might have been in the stream. Like I said, my left eye caught kind of him. He was crouched and really maintaining a good firing pose. His barrel was great. The barrel wasn't rising. The rounds were coming out and I go, you know, he's hitting something. I figured, yeah, he's hitting something, you know, and they're good shots. But I'm yelling "Shoot, shoot, shoot" because I saw -- I mean in my right eye, initially I had to go, okay, boom, something's happening. He's not trying to escape, you know, if he tried to escape, he would have gone to the driver's seat, it would have been a different story, but he went back to the back seat, went low, grabbed an item, looked like he was loading shotgun. The deputy who was over here says "Gun, gun, gun, drop the gun" and starts firing. And as soon as the rounds are fired, I know I'm looking at him, but I'm also yelling "Shoot, shoot, shoot" because I believe that Botten and I are in harm's way and we need to get out.

Valle: So you had said that when you yelled out "Shoot, shoot, shoot," did Deputy Botten begin firing at that point?

Long: He did. We backed up and he fired four rounds. I don't know if he fired four rounds and backed up or while he was backing up.

Valle: Okay.

Long: But it just seemed like the gunfire went on, the gun's coming up, Botten's not shooting or seeing the perception, and I believed his life is in danger and mine, and I was yelling to shoot because I believed he had to shoot and I didn't have the shot over his arms.

Valle: So that was one of the questions I wanted to ask you was you're describing where Deputy Botten's literally standing in front of you?

Long: Right.

Valle: And why is it you didn't fire a gun?

Long: Because he was -- when I took my aim at the suspect, I was right over his wrist and I figured if I shot, he moves, I hit him. I didn't want to shoot him. His gun was right out there.

Valle: Okay.

Long: I figured he was ready to go and he would fire, but you know, my thought was to manage it because I figured if I shot, I could hit the deputy and I just didn't want to get into that.

Valle: You said you had grabbed a hold of Deputy Botten's gun belt?

Long: I think his back or -- right, yeah, his back, yeah.

Valle: And you moved backwards?

Long: Yeah, I moved back.

Valle: Do you remember where you moved to?

Long: We moved straight across the parking lot behind this car under the tree.

Valle: I'm going to show you another picture of the front of the station. It looks like it's a better view of the vehicles that were there.

Long: Yes, it is.

Valle: Okay. So you can just draw an x where you were initially started.

Long: Okay.

Valle: Where did you and Deputy Botten walk to?

Long: Solid line or dotted?

Valle: Either one.

Long: I don't know if it was a walk. It was pretty fast.

Valle: Okay.

Long: We went here. Botten was -- ultimately ended up going first, went to the front portion of this car, and then I stayed at the trunk at the back.

Valle: Okay.

Long: I knelt and crouched. I saw Henry Shue over here on the ground.

Valle: You can put a description of where he was or H or whatever.

Long: Shue.

Valle: Shue.

Long: There were civilians running towards the door of the lobby in their orange and yellow vests.

Valle: Uh-huh.

Long: They were the Larix workers or whatever -- whoever is contracted to do that job.

Valle: So yourself, Deputy Botten and Deputy Shue are on the east side of the parking lot.

Long: Right.

Valle: What about Deputy Inthavong, where was he?

Long: Inthavong went on the far side of the large brown truck.

Valle: So Inthavong maintained on the --

Long: Well, he maintained, but he came around. He was over here. He went --

Valle: He eventually made his way?

Long: Yeah, over here.

Valle: Okay. Okay. So --

Long: I don't know exactly where he was. I lost visual of him, and we were in a -- we were over here. This is Botten and me and then Shue is back here underneath the cover.

Valle: Okay. Can you just put circles of where you believe you saw the civilians?

Long: The civilians were over here. You know, I saw them over here running and I think they ran by Vance.

Valle: So in that general area you saw them?

Long: Yeah. I saw them right -- they were over here working. These were the civilians.

Valle: Okay.

Long: Then I saw them go this way, and I think they ran past Brian or I don't know if Brian went with them to here, but at this point I got here and I was looking at the car, one, just because there was a -- just to make sure the person didn't get out of the back seat. We had no visual. It was a double tint and I was looking through another tinted car. And I only had about four inches of this door, the top of this door visual from my angle at the back of his trunk. I at some point yelled for an AR. Henry Shue I think put out that request because there was an AR-15 at the desk. And I kept a visual here while Botten screamed "Get your head down. Get your head down," you know, several times. I go "Leave me alone," but while this is going on, a shot, you know, Inthavong is over here, here. The helicopters are coming. I know there were news initially and, ultimately, one of our airships came overhead, but we kind of hear. We got static. We had a crossfire, so we weren't shooting. We were loaded. My concern is this guy opens this door, sneaks back this way to attack. That was my real concern to maintain that. They got out. I mean, if he drived (sic) it, got in the driver's seat, I think I would have seen him, but there was no movement. And Inthavong was here, we're here, we're loaded, I'm loaded. My gun's out. His gun's out. Henry I think is doing the radio, and then ultimately, Brian Vance took a position behind this tree.

Valle: So when you moved to this position behind the car on the east of the parking lot --

Long: Uh-huh.

Valle: -- you said there was -- was there a lull?

Long: There was a, yeah, a little lull.

Valle: Okay. What happened after that period of time?

Long: We're requesting stuff. One, there was radio traffic. There's shooting, a 998, and I know units were going. The radio was going crazy. The

news helicopters were first and, you know, as I'm looking here, you know, I could see them up over to my left.

Valle: Did you -- I think you were about to -- I'm not sure if you were going here, but when you were in this position --

Long: Uh-huh.

Valle: -- east side of the parking lot --

Long: Uh-huh.

Valle: -- and there was that little bit of a stagnant moment, did you hear any other gunshots coming from within the suspect's vehicle?

Long: Yes. There was a gunshot that came right out the upper left corner of the back window, and it appeared to be aimed straight over the car where Botten was hanging.

Valle: So what made you believe that?

Long: Because, one, the glass was intact and then it shattered outward like that. It wasn't -- it didn't look like it went up. It looked like it sprayed outward in a straight pattern. And --

Valle: So from your position on the east of the parking lot you could see the --

Long: I could see the spray pattern. I saw the window. I saw the hole erupt and go out and it looked like a level shot. And you know, it was a tinted window, so it had some effect on how it went, but the window shattered. There ended up being like a hole, you know, like -- it looked like it was that big when it expanded. I'm sure it contracted a little bit, but there was glass flying and shot flying and it appeared it was aimed directly across Botten that way.

Valle: So you had described with your hands of a circle around maybe five, six inches in diameter?

Long: Uh-huh.

Valle: Is that what you saw?

Long: Yeah. Looked like the window erupted. It exploded out, and then it was a shotgun shot. It looked like it was directly at where Deputy Botten was trying to hide behind a car. He's a huge guy, six/eight, maybe 300

pounds, and he was -- it was a small Honda and he was near the front. His upper back probably stuck slightly over the, you know, posse(indiscernible). I don't think he was visible from the suspect's car, but you know, he was trying to stable-load the engine block, keep his head near the tire and the engine block. But he moved around, he was moving around. I was staying -- at some point he was there. The shot came. We didn't fire because we didn't, one, didn't have a shot. I couldn't identify a target. And Deputy Vance starts shooting, so I'm hearing very controlled fire, six shots.

Valle: So that's what I wanted to ask you was after that blast out of the driver's side --

Long: Uh-huh.

Valle: -- of the vehicle, was there any gunshots you heard after that?

Long: Yes.

Valle: Okay.

Long: After the shot, directly after the shot, there were six controlled shots and, in fact, I looked and saw Deputy Vance firing six rounds through the driver's side window towards the back passenger area of the car where I believe the suspect to have been or last been.

Valle: And where was Deputy Vance standing?

Long: Deputy Vance was --

Valle: You can put a V.

Long: V. This tree, he was behind this tree.

Valle: Okay.

Long: So you won't quite see it there, but --

Valle: It's okay.

Long: It's behind the wall. There's a -- you go right here and there's a tree trunk. It's not the hugest tree trunk, but there is some cover.

Valle: So after Deputy Vance's fire, was there any other gunshots that you heard?

Long: No.

Valle: Okay.

Long: But Aero came down. I couldn't hear anything. Aero was maybe 50 feet above and all we heard was (making a sound). We had no -- we lost any ability to communicate at all.

Valle: Let me back up, not to the very beginning, but while this is happening, while you hear gunfire, you mentioned something about radio communication.

Long: Uh-huh.

Valle: Can you tell me what you heard or what you knew, what was being broadcasted, if anything?

Long: I heard there was a 998, and that people were rolling to the station. I requested an AR and I heard that -- believe Shue -- that transferred to Shue and he requested the AR.

Valle: I see, so you didn't get on the radio. You asked one of your deputies --

Long: I yelled at Shue. I was, yeah, I was not on the radio. I was yelling. I knew Shue was back there. He was on the radio. He had a radio. I believe him to be putting out radio traffic.

Valle: Okay.

Long: And --

Valle: Okay, so let's shoot ahead as far as the beginning where you first positioned yourselves.

Long: Okay.

Valle: In this position while yourself and Deputy Botten are standing near the front, I assume the front driver's side wheel?

Long: That's the driver's side wheel.

Valle: Okay. And Deputy Inthavong, so you're kind of in front of the vehicle and Deputy Inthavong is here.

Long: Uh-huh.

Valle: In this position while the gunshots begin, did you feel like there was a crossfire situation?

Long: No. I thought Inthavong was shooting at the suspect through the door and I thought the angle was good enough where it wasn't impacting us.

Valle: So you're --

Long: There were chips. Obviously, the door was angled. I was concerned about ricochets, but -- and glass because there was debris. I mean, I could see smoke. I mean, I saw the smoke coming out of his gun. There was debris flying from glass or whatever was hitting the door, and -- but I think, you know, one, it was -- I was behind Botten and I wasn't affected that much by it.

Valle: So the way you were describing Inthavong's angle of fire would be --

Long: Yeah.

Valle: -- at the northeast direction?

Long: Yeah, either the northeast shooting looked through the door at the guy. It looked it was going through the door or possibly the window.

Valle: Okay.

Long: But the guy was kind of crouched behind the door and was loading, like I said, doing a loading motion. He, like I said, started firing.

Valle: Deputy Inthavong?

Long: Deputy Inthavong got down and fired, I believe, the whole clip.

Valle: So let me ask you, when you saw that movement of the suspect who you believed to be loading a gun --

Long: Yes.

Valle: -- you didn't really see it, but you just saw the action that you're familiar with?

Long: Right.

Valle: Is that when you heard Deputy Inthavong begin shooting?

Long: Pretty close. I heard "Gun, gun, gun." It might have been "Drop the gun.:"

Valle: Okay.

Long: But one, I knew that there was a gun in play. I saw him making a motion I believed to be loading a shotgun.

Valle: Okay.

Long: And I also saw his attributes. He wasn't trying to escape. This is a man who's apparently got some warrants not trying to escape. He's at a tactical disadvantage and he's arming himself. Ultimately, a superior weapon that we had available at the time we went out.

Valle: So you said the Deputy Inthavong shooting and Deputy Botten shooting was not a crossfire situation?

Long: No. Botten was shooting directly into the car towards the back seat through the front window, and this is -- he's shooting right here. Inthavong is over here shooting into this door. This concrete wall went up almost to the whole roof of this car, and I thought that backdrop was good. It was safe. It's a concrete wall with dirt and asphalt and all kinds of stuff behind it. A 9-millimeter barely goes through a car. It's not going to go through --

Valle: Right.

Long: -- the wall.

Valle: So the way that you're describing where Deputy Botten was positioned at the time he fired was closer towards the driver's light, headlight?

Long: Yeah. I think he actually came back a little bit, but --

Valle: Okay. So you retreated back to this east portion of the parking lot --

Long: Correct.

Valle: -- behind a white vehicle.

Long: Correct.

Valle: Do you believe in this position there was a crossfire situation?

Long: I believe there was a crossfire had he shot, I shot, or Inthavong shot.

Valle: But was there any gunfire --

Long: No. There was gunfire from the suspect, and the only other gunfire after this was Brian Vance shooting from here into the back side of this car.

Valle: So he's shooting northbound?

Long: He's shooting north away from -- between Inthavong and us with a great backdrop.

Valle: Okay. Do you have anything because I'm just going to read over my questions here.

Renteria: Yeah. When Deputy Vance first contacted you and you were done at the briefing room, did he give you any other information in like the suspect? Did he -- other than just that he saw that SWAT badge?

Long: Just the SWAT badge.

Renteria: Did he say anything about the warrants of what he was wanted for?

Long: You know, I knew he had two, I believe two LAPD warrants.

Renteria: Okay.

Long: Outside of that, you know, I know it's child porn, but I don't know if I knew it that second or not. I believe I knew it was a sex offense, but other than that --

Renteria: Okay.

Long: -- I can't tell if I knew it was a distribution, but I believe it was a sex offense.

Renteria: And that information was given to you by Deputy Vance or did you just assume it because he's the sex registrant?

Long: Well, he -- no. I think -- ultimately, I knew the warrants were LAPD. I ultimately recall that for months LAPD had been coming to our station

parking lot and monitoring Code 5. They were Code 5 out there looking for someone.

Renteria: Okay.

Long: I didn't know it was this guy. Ultimately, after the fact, I put that together.

Renteria: Okay.

Long: But --

Gibbons: You knew it was a felony warrant?

Long: I knew they were felony warrants, two felony warrants. I was told -- you know what? In good faith, I relied on two felony sexual offense warrants.

Renteria: Okay.

Long: But I mean, I believe, you know, that was what I recall and that he was possibly armed, and was possibly armed because he had a SWAT badge, which is, you know, thin at best.

Valle: Did you personally give the suspect any commands at any time of this incident?

Long: No, I don't believe so.

Valle: Okay. How about did you hear anybody giving him commands?

Long: Yeah. I definitely hear "Stop, stop," and I know they told him to stop. I didn't hear any -- I ran up here. I saw him stop. I didn't hear -- I don't know what was said or not said.

Valle: Okay.

Long: Next orders I heard is when I came up here to take a quick leak is "Gun, gun, gun," and then firing or "Drop the gun."

Valle: So you're confident you heard either -- well, not confident, but you heard either somebody say "Gun, gun or gun" or "Drop the gun"?

Long: Right.

Valle: And do you know who that was?

Long: Inthavong.

Valle: Okay.

Renteria: Did you hear the suspect say anything?

Long: No, not one word.

Valle: So how many times do you think Deputy Botten fired, an estimate or what you believed?

Long: Four to six.

Valle: What about Deputy Inthavong?

Long: I thought 15.

Valle: And what about Deputy Vance?

Long: And that's because I saw a clip laying on the ground.

Valle: Okay.

Long: You know, 15 to 16. I thought Vance shot six. I thought he shot six. It was very slow, one after another like, you know, just aimed, but it was, you know, maybe three seconds just -- but real controlled fire. There were commands yelled at him, "Hey, give up, move, surrender, show us your hands."

Valle: Okay.

Long: Nothing, nothing.

Valle: You heard that?

Long: Oh, yeah.

Valle: Okay.

Long: But then the helicopter came, "No, no, no, I'm not going to leave," and he's posing with a shotgun. Ultimately, as the helicopter is hovering, he's not moving. He's holding the shotgun with a bullet-proof vest covering his face or upper body, you know. He's non-responsive to any

commands. His foot, left foot in the window up and he's holding the shotgun, and so we bailed out of the station. Botten, myself, and Shue came up to the cars. There were cars right up top, and then we had Inthavong still ono the lot, Vance on the lot, and the suspect in the car. When we got up there, there was a shield, I think it was Sergeant Martinez was up there, and other people and they were gathering gear and some items to go back in with their car. Initially, there was a "You got the --?" "I said "The suspect? No, no, no, no, no," non-responsive, not -- never did any commands and it appears he's still armed. And I said "Let's just cover the car." There was a detective lieutenant on top of the roof with the deputy with an AR-15 that had a full hawk-side view of this car now that we had great cover from above, and we had armed deputies and we went in to get Inthavong out and clear the lot.

Renteria: And how did you do that? How did you get Inthavong and Vance out?

Long: A patrol car, Deputy Jackson brought a car in. We went. I think we put up a shield on his side of the car and then, you know, initially, he was holding his gun. I said "Just drive. You're driving. No guns for you. Just reverse in and out." And then I had, I think, Bayer and Cabrera, Detectives, and I believe Botten, myself, and I think the detectives had long guns and we drove the car in to about here before this CAT or over to here and then we wave Inthavong to run to us while we had cover on the car. His foot was still up, so -- well, no, I mean, we had Aero -- his foot was still up. It didn't look like he had moved, and we had Inthavong run to us, and then as we backed out, Vance said, "Hey, don't forget me," and then he came out and we got out of the lot. But right around this time I think the SWAT team was landing or coming out, but the Bearcats weren't there.

Renteria: Okay.

Long: And from here, after we go the deputies out, I went over to talk to the tactical leader.

Valle: Okay.

Long: I think it was the lieutenant. I briefed him and then Commander -- the captain came and said "Get out to the briefing room." That was it.

Valle: I know you came up with kind of like a quick plan for the arrest. During this entire incident while you were -- while he's running across the parking lot, the shooting is occurring, deputies are taking cover, was there any communication between yourself and the deputies? In other words, via either radio or --

Long: Well, once a helicopter came, we couldn't communicate. Even radio, you couldn't hear nothing.

Valle: But before that, what --

Long: Before that? Yeah, I was yelling "Shoot." They got the AR and, you know, make sure -- people were rolling. I know things were happening and we requested an AR. I had hoped it was up on the roof faster, but apparently, they couldn't find the key to the elevator.

Valle: Okay.

Long: Is that I heard later, but --

Valle: What about communicating with Deputy Inthavong?

Long: If anything, I figured he would hold tight. Aero had told him to sit tight, that he had good cover.

Valle: Okay.

Long: And Aero communicated to him. I heard that. I know that or I heard that, that Aero said "You're good. You got cover. Stay behind the block."

Valle: Okay.

Long: So I figured he was behind the engine block of the big truck, and you know, we were over here and it was good, but there was no -- I mean, I couldn't yell -- I don't think if I yelled from here to hear he would hear me. But I think it might have been over the radio. I don't think it was a PA that was going. I think Aero was talking over the radio and you could hear that, but I couldn't go. I don't think -- I couldn't communicate to Vance. I couldn't hear anything Vance had said, and anything I yelled I think Shue was doing, so I think he could hear me. I could hear Botten, and that's about it.

Valle: This one -- this shot that you saw, you know, blasting out the back window --

Long: Uh-huh.

Valle: -- was there any difference in sound between the deputy's gunfire and that one? Was there a different sound between them?

Long: Oh, yeah. I would -- yeah. I go, yeah, it's a shotgun.

Valle: Okay.

Long: I go, yeah, it was a shotgun blast, 100 percent in my mind I have no doubt that it was a shotgun. And, you know, the pistols were crisp. You know, you get the real crisp real quick and it's over.

Valle: How many shots do you believe the suspect shot?

Long: One, only one. That's the only one I know of.

Valle: And I know this is kind of a hard -- but from the best of your ability to give me an estimate, from -- timeframe, from when the suspect ran to when the last gunshot you heard coming out of the -- oh, no, until Deputy Vance stopped shooting, how long do you think this whole thing lasted?

Long: Two minutes maybe, two and a half minutes.

Valle: Now you mentioned that there was a deputy placed on the roof. Do you know who requested that?

Long: Well, we requested the AR. I didn't know who requested -- I didn't request anyone special.

Valle: Okay. I mean, as far --

Long: I wanted the AR and I wanted it on the roof. I thought the roof was the best shot.

Valle: So it was your request --

Long: I wanted the roof shot. I think an AR ultimately got deployed into the clerical staff, but you know, I wasn't evacuating the clerical. There were a lot of things going on, and my focus was this parking lot, that car, and whether that door opened. That was my concern whether the suspect got out at this point. I was also concerned that, one, not firing at a guy with a deputy by it also, but those are things would be solved if I got the AR in place. If the AR was there in three minutes, you know, it would be the cover we thought we were getting out a little better because the roof has a great view of this spot.

Valle: Now as regarding Aero Bureau, the helicopter, what information did they relay to you about the suspect?

Long: Just said he was laying on the back seat with a gun in his hands, and it sounded like, I believe, there was a bulletproof vest. They called it a body armor that was covering his upper body and face.

Valle: Okay. And then they also relayed information about Deputy Inthavong?

Long: Yeah. They related about Inthavong and they said he had good cover. I know they said he had good cover. I believe he had good cover. And the only good cover is at that engine block, so --

Valle: Okay.

Long: -- I hope that's where he was. That's where I believe he was, but I had no actual view of him, or if I did, maybe a boot, but I saw the -- like a, I think a magazine on the ground right in between in front of the car.

Valle: Okay. Did Aero also inform you that -- he was armed with a weapon, right?

Long: Yes.

Valle: Okay. Did they say what kind of weapon it was?

Long: Just a long gun. I recall a long gun, but like I said, after the shot I knew he had a shotgun, but I didn't know -- you know, like I said, I don't know if there's anything else in there. We had no view. That back window was heavily tinted.

Valle: I'm going to show you a picture of a weapon that was at the scene. And do you -- is that the weapon that you saw or you don't know or --

Long: No. You know, well, it looks consistent with this part when lifted.

Valle: Okay.

Long: I mean it's consistent with what I saw coming up from the ground, but that's all I can say it's consistent because it was shadowed. It was dark. I didn't have a great view and it was only, you know, seconds or half a second where it was moving up, but I was concerned. I figured as it's coming up, if he flipped it, there was a straight shot at Botten through the window. But he was also taking so many rounds. You know, my

understanding he's getting shot at and he had to jump in for his own -- he was jumping to get away --

Valle: Right.

Long: -- from the shots, but then he's so close to us, I wanted Botten to shoot so he could safely get away and get under some cars and start running, you know, eastbound.

Valle: So when I showed you this picture, you kind of motioned --

Long: Yeah, well, yeah, like I said, it looks a lot longer than it is, and when I saw something like this portion of the gun when it started coming up, you know, out of the back seat, so whether he could have physically shot with his barrel extension or the way this gun is, it might have hit the seat. He might have had it manipulated to get it.

Valle: Okay.

Long: But my impression was I thought he could flip it and shoot at Botten.

Valle: Okay. And then this particular weapon that was recovered at the scene, you articulated you saw the loading motion; is that correct?

Long: It's consistent with that type of gun. You'd load it right here at the bottom. If you have the gun up, it would be stroking it in. If you're holding -- I believed him holding the handle with his left hand and pushing rounds in with his right. And I believe there were two rounds or two motions that I saw.

Valle: Okay. Okay. After everything -- I know you described the extraction of the deputies -- well, that's what you described. You described that they eventually extracted utilizing the vehicle, and you utilized shields for cover?

Long: Shields for cover.

Valle: Okay. All righty. Do you have anything?

Renteria: Nothing.

Valle: Now you had pretty well articulated the backdrop of -- what would -- I mean, I know you were merely a witness.

Long: Right.

Valle: You weren't involved as far as shooting; however, being the supervisor, did you notice -- no, I'm not going to ask that question. I think you articulated it well enough.

Long: Yeah, I did. I will tell you, initially, when he went past this car to this back, I thought he was trying to escape, 100 percent. And then he went back here and I'm -- he's not trying to escape. And when I come up and get a better view I see this and hear "Drop the gun, drop the gun," I'm like okay, we're here. He now wants to get into a gun fight.

Valle: Okay.

Long: At a tactical disadvantage.

Valle: Okay.

Long: And you know, initially, my first assessment when I looked at it is, oh, you know, okay, he's loading it. Let's see if he stops. The gun firing, and then I go like I'm not -- I can't shoot over his wrist. And so I -- the guns were being fired, initial -- there was some glass or something that flew over Botten for sure. There was some debris, I mean, I could -- there was something that came this way. It's like you feel it.

Valle: Right.

Long: But, one, you know, you can hear the gun hitting the car door, I mean, it's -- so you have the fire and then you have the hitting the car door, cling, cling, cling, so it's a lot of (clapping his hands) fire, but definitely, the fire affected him. And as the gun moving, he ends up jumping into the car.

Valle: Okay.

Long: I believed him to be hit, but I also believe that Botten and I were at risk and that, you know, I ordered him to shoot, to give us cover to get -- put some stress on him so he had to cover himself to not take aim at us while we fled and left there.

Valle: Okay.

Long: And that was it. There were a couple -- like I said, I believe it was four or five rounds fired by Botten and then -- but I wasn't looking. I think I was looking back to the east, and he got ahead of me and I went behind him and I took the back of the car and he went to the front.

Valle: Okay. I don't have anything further. Do you have anything else to add before we end the interview?

Long: No, no, I don't.

Valle: Do you have any questions or --

Gibbons: No.

Valle: All right. We're going to end the interview. The time is 12:42 p.m.

I.A.B. #: SH2423868

WITNESS INTERVIEW

SERGEANT JAMES LONG

Aguilera: Today's date is March 20th, March 20, 2017. It's approximately 1528 hours. This is Detective Aguilera along with Detective Boisvert, from the Sheriff's Homicide. And we're here in regards to a deputy-involved shooting that occurred on today's date under Sheriff's File Number 017-03249-0522-013. Also present is Sergeant Paul Valle from Internal Affairs Bureau, and representing Sergeant James Long is attorney Sherry Lawrence from Greene and Shinee law firm. And Sergeant Long, you were on duty this morning, correct?

Long: Yes, I was.

Aguilera: What were you assigned?

Long: 50 Sam which is the field sergeant.

Aguilera: And your hours for today were?

Long: 0530 to 1330.

Aguilera: And sometime this morning you were alerted to a possible arrest of a suspect at the counter lobby area, I believe?

Long: Yeah, I was doing the second morning [redacted] briefing. It was approximately 7:20-25. Detective Vance came in, asked if anyone wanted to arrest a felony warrant in the lobby on one of his registrants. Scott Inthavong volunteered and I think assigned Henry Shue to help him. Concluded the briefing. Kind of walked up in a group. As we walked, you know, you walk the hallway from the briefing room, make a right, left, right and you're headed towards the watch deputy's office. When there was in the briefing room, we, we were briefed a little bit about it. It was a LAPD warrant. I, I know that they had been looking for somebody. I didn't know it was this guy or I'd never seen this guy, but the LAPD detectives had been surveilling our parking lot and had been surveilling his house, I mean, since probably two months ago, two to three months ago. Deputy Vance advised us that, one, there was a felony warrant. It was an LAPD arrest. That he had flashed some type of SWAT protection badge and that there was a perception that the person may be armed. Our information, you know, that he possibly could be armed, but the main thing, he had a warrant, he was in the lobby at the lobby door. I confirmed that Deputy Inthavong had a taser

on him or a less lethal weapon. I had Nathan Botten came up, offered his help. When Henry Shue wasn't in eyesight or around, I said thank you, come on, let's go. It was myself, Scott Inthavong, Brian Vance and Nathan Botten went through the door to the lobby. Scott Inthavong had the papers from Brandon, the warrant. And we walk northbound through the hall to make a left which would be westbound towards our front doors. There were citizens seated on the bench and none of them appeared to be the described. Outside the door, we could see through the window was the man that was described. He had a black cowboy hat, some type of black or dark colored coat with a t-shirt that appeared to be loose black pants and some type of boots. We went by everyone in the lobby. The door was open. I think Scott was first and I, I believe Brian was behind me and Nathan was either near me or, or right next to me. His foot came down to the ground, he started backing away. I heard stop. He turned and ran. Yeah, looking at him running, he was running. I didn't believe he was holding anything or trying to arm himself or do anything. He was running sort of in a northwesterly direction towards the corner of the lot. There were parked cars, but, one, we weren't briefed on any car. We didn't have anything, but he didn't look like he was running to a driver's door. And I thought he was running to the wall to hit the wall and jump it. So when I saw the foot pursuit started. Deputy Inthavong was first. Botten and Vance I never saw where he went. I, I started going up the driveway or towards the driveway to get to the sidewalk to head westbound in case he climbed the wall, because my first impression is that he was going so fast that he was running to the wall to hit the wall. At some point, he stopped right at the wall towards the back of a, a large truck. It looked like he turned back, came back to a blue truck. I stopped, came across the two white sedans towards where Nathan Botten was. As I'm coming up, I, I, the male is obviously going into the rear passenger side of the door which I, one, well, it's odd. He's not trying to escape. We believe he's armed. I believe he was actually going to arm himself. He was reaching down into the car as if he was reaching for something and I heard Deputy Inthavong scream or shout something, and fire a volley of rounds, probably eight to nine. It was a lot. obviously, you know, once, once they started going, it seemed very quiet. I'm looking at the car, I can see him moving, because I could see through the kind of the driver's door and there's a tinted window that was pretty dark, they were tinted, but with the door open, it looked like there was a backdrop because of the wall, it was light painted and it was light out and there was a, you know, I could see him moving. As the shots rang out, he dived in. I saw the barrel looked like of a long gun in his possession going if you to come into the kind of the eastern side of the car, the back seat and he kind of went out of my view. Botten was there, got on the car, and I told him shoot, shoot, shoot, mainly because, one, I believe he was going to start shooting and, and that we were in a life and death situation. Soon as Nathan fired a few rounds, got him to come back, we took cover behind a

white car. Assessing it there at the white car, I was watching the door to see if it was opened or if he was going back. I didn't have a view on him at all. And Aero I know was coming. I kept a monitor a gun on the car and I was trying to make sure he wasn't coming out. I was at the back end of the trunk of the farthest east car and Nathan Botten was to my right, and I knew Scott, I mean, Henry Shue was in the back. I saw him behind me, crawling behind a little wall.

Aguilera: Now, taking you back, go ahead, go ahead.

Long: No, okay, well, back here and then I'm, alright, I know Aero was requested. I heard radio traffic. I assessed it. I saw Brian Vance behind a tree just in front of the Secretariat.

Aguilera: Uh-huh (AFFIRMATIVE).

Long: Behind the curved wall where the suspect was originally standing. I knew Scott was over behind the car, Scott Inthavong, the Deputy was behind the farthest truck, and initially like when Scott's field of fire started, it looked like was sort of near the front of the truck and he was firing at an angle towards the back side at, at probably about window level, just around window level of the car. Glass was shattered. I believe windows were broken, but there was glass flying and, and, you know, some smoke, you know, coming in your peripheral view. Once we took cover, we were sitting there and we're assessing the Aero's coming around. We're moving. He, I, glass flies out over him. I know there was some radio traffic. I believe I asked for an AR15 from the lobby or something to be deployed to the roof, because the roof was a great tactical spot. Ultimately, you know, Deputy Dietch was up on the roof I believe and later another, I believe Lieutenant Reyes went up there with him. Once the shot came at us, it looked like it was shot level out the back was the driver's rear window, the passenger, the passenger's, the driver's side rear passenger window. It was, it looked like from the top left corner and it blew out and debris came right towards us. I believe it, I believed it to be a shotgun, and I believed it was, you know, coming towards one Deputy Botten and, you know, obviously Shue, Shue was right behind him on the ground. And myself, I was a little cat corner. So I'm looking at it. It looked like it was going right over the car, and it looked like it was a controlled shot, and, now, Brian was shooting. My view was just about six inches of that window and over the top of that second car. And I couldn't see any movement behind the window, and Brian Vance opened fire from behind the tree. It was a controlled pattern of fire, eight to ten rounds, and they were going level. He had a backdrop of a wall behind the car that was a, it's a, looks like a retaining wall and it's, it was at least as high as the back of the, the SUV. The rounds appeared to be going either in the driver's side window, the windshield or that back passenger, and it

looked like at a height that it'd be, you know, probably the, the window the head or the chest if someone was sitting there up.

Aguilera: And at that point, Vance is the only one shooting?

Long: That's all I, I believed. I believe Nathan was I think to my right. I believe he might have shot. I don't know if he shot.

Aguilera: That's Botten?

Long: Botten, Nathan Botten.

Aguilera: And then what happens after that?

Long: What happens after that is it calms down. There's a lack of movement from the car. The helicopter circles around, since they have a heat pattern, there's a heat pattern and we're making sure, AR, AR looking up. We're kind of in a static position, you know, we see news cameras and we see, we already seen the news chopper and obviously then the SUV ultimately comes, they're rolling. We see Air 5 come and that was quite a relief. And we're sitting there wondering if there would be a further gunfight. Aero was saying there was a weapon either on him or in his possession. I believed that to be true. We had no visual sight at that point and at some point you could see a boot sitting up of the window, either the shot out window. I don't, he did not put the window down. I don't think there was any way he could have put the window down.

Aguilera: Uh-uh (NEGATIVE).

Long: He never came into the driver compartment and, one, that was, the main thing is, is we're realizing he didn't try to escape. I didn't believe he tried to escape and he actually tried to engage us in a life or death battle. Some point there was a lot of movement behind us, or a lot of deputies. We started screaming, you know, let's go, go, go. Nathan's going, hey, Sarge, let's get out of here. Because it wasn't the greatest shot. We have two cars between us and, and really without exposing yourself, you couldn't shoot into this spot.

Aguilera: So you're actually at this point...?

Long: From my vantage point, at the back, you know, yeah, I had the front, I had a good shot at a front area.

Aguilera: Right.

Long: Passenger or even the driver, but once I go back to the rest of the car, I'm shooting through windshields...

Aguilera: Yeah.

Long: ...and/or the rooftop of the other car in front of it.

Aguilera: So you're behind that second white car?

Long: I'm behind the second car, right.

Aguilera: East...

Long: Right where, right where the...

Aguilera: ...it was east.

Long: ...where the planter box is in the curbs.

Aguilera: Right, right.

Long: I'm at the, you know, the south end of the car and Nathan's so big, he's, you know, one, when he's up, he's up in the window, and...

Aguilera: Right.

Long: ...that's not the greatest thing and, you know, I was, I was watching everybody and not always him. He was there communicating.

Aguilera: Right.

Long: And Inthavong was talking. We knew he was on the other side of the big truck. You know, I, I don't know where he took cover. I hope it was behind the engine block or the wheel well, because that's what we would talk about and train on tactically. But he was over to the west side, so.

Aguilera: Now, at some point, you guys devise a plan to get the two deputies out of there? Are you involved with that at all?

Long: Well, I, well, yeah, we got out, went back, we got some cars, some of the detectives, Cabrera and Noel suited up and they were talking about there was talk about a medical rescue of the suspect and, you know, time out, deputy first and then we'll sort that out. As far as I'm concerned, he's still armed. And a Bearcat, let's get the units. Brandon Jackson was, had an Explorer and he was driving and I had like three or four detectives at the

back, Cabrera, Bear, I believe it was Cardenas, I'm not sure it was Deputy Cardenas, Nathan Botten had took the shield from Sergeant Martinez. I accompanied Nathan Botten at the front of the car and we tried to move tactically with the car and get in to shield everybody till we could get to Scott, and then we backed up and I then heard Brian talking, hey, what about me? And I believe at that point, we stopped, he came to us, and then we exited the parking lot. SEB was here. I was at that point, the paramedics had landed, and I think they were waiting for the Bearcat and the Bearcat ultimately came in with the paramedics and did a flashbang. And I heard the flashbang. I was answering a lot of questions and ultimately I figured out what Lieutenant O'Shea and then I was sent up here because of the....

Aguilera: When all the flashbang and SEB's doing their...?

Long: I was in the K-Mart parking lot at that point.

Aguilera: That was going to be my question.

Long: Right, right.

Aguilera: Now the initial conversation that you had with Vance when he was briefing the deputies on the suspect.

Long: Uh-huh (AFFIRMATIVE).

Aguilera: Did, at any point did he mention that the suspect might be armed? You may have said it but I, I missed it.

Long: He said, he said he might be armed, that it's a possibility and he thought that the SWAT badge was unusual from one of his registrants and...

Aguilera: Right.

Long: ...possibly him being affiliated with a security company or security guard, you know, there's so many different rules, I don't, I didn't know what level of sex offender he was and...

Aguilera: Uh-huh (AFFIRMATIVE).

Long: ...whether he had his gun rights taken away or whether he could not even work as a security guard. But....

Aguilera: You said when you guys made that left turn to go out towards the front, the entrance exit...

Long: Right, it, he....

Aguilera: ...he put his foot down. Was he leaning on something at the time?

Long: He was leaning against a wall, and he was posing, like I said, he had a, he was look, this is what I recall, like this. You know, he was kind of leaning against a wall, and he had a hat on, and as soon as he saw us, the foot came down, and so the door opened, he started stepping away and turning and he was told to stop. I heard stop. He started running.

Aguilera: So you described it and showed us as him basically with his back up against a wall, his, his knee raised, his foot up against the wall, just leaning back against it?

Long: Right, right.

Aguilera: And that's that wall that has the sheriff's emblem?

Long: The sheriff's emblem, correct, and it's kind of a, it's, it's straight and then it angles kind of at a...

Aguilera: Right.

Long: ...I don't know what degree but a, a certain degree out towards the parking lot.

Aguilera: And then that's when he runs northwest?

Long: And he runs northwest and he's running towards that big, the big truck, which I...

Aguilera: Right.

Long: ...believe that ends up being, you know, and when he starts running, and it was right after the shots fired, there were civilians in the lot. There was at least two, I believe there were two. I saw an orange vest...

Aguilera: Right.

Long: ...just like a safety vest and...

Aguilera: Right.

Long: ...I saw a, either an ISD or the dark blue jacket or, or shirt. And I saw them running eastbound towards the station.

Aguilera: And they were in the parking lot at the time?

Long: They were in the parking lot at the time, just, just west of where the electric car parks are where the layricks (phonetic) tower is. And I'm not sure who they are and I'm not, I believe that truck, that large truck I've seen before, and I believe that's one of their workers. And that's what I end up, you know, thinking, you know, at the time. I go, okay, I kind of, because I think they went out earlier and, and talked to them. I don't know if I think Sergeant Martinez may have.

Aguilera: Now when you saw the suspect running, deputies gave foot pursuit...

Long: That was...

Aguilera: ...gave chase then as well?

Long: Correct.

Aguilera: Did you run also be-...?

Long: I ran but because I, my, my perception he was going towards the wall.

Aguilera: Right.

Long: He was running so fast and not looking for a driver door of a car, you know, I thought he was going over the wall.

Aguilera: Right.

Long: And the only way out of that wall other than jumping it...

Aguilera: Uh-huh (AFFIRMATIVE).

Long: ...was going up the driveway and down.

Aguilera: Right.

Long: And I was trying to at least get a ta-, hopefully a tactical advantage...

Aguilera: And then...

Long: ...if something happened.

Aguilera: ...you eventually see him get into the car from the passenger side, to the backseat?

Long: Yeah, he go, well, he, yeah, he was past the car and I don't know, I don't know what side of the truck, but it looked like he was at the back of a large grey truck and he turned and came back to the pa-, the rear passenger door.

Aguilera: Right.

Long: And I go, he's not trying to escape. He's not trying to function the car. Because if he got in the car or got in the car, we would have backed off.

Aguilera: Right.

Long: Right? And not got run over and not blocked his path and, oh, you know, there's people escape and people engage.

Aguilera: Sure.

Long: And one, at that point when he went to that car, I believed he was going to engage and I was coming up on Nathan who was, who was much taller than me and thick.

Aguilera: Yeah.

Long: But he was a little ahead of me and to my left and my field of view I could see his arm and I didn't like my shot, so I, as soon as the shots came out, he's right there. I'm like shoot, shoot, shoot, because I saw the suspect diving in towards the west side of the van and appear to have a shotgun or a rifle in his hand, it was a long barrel and that was it, and once he came to the west side, I lost any view of him because of that tinted window.

Aguilera: And the initial rounds came from Inthavong?

Long: I believe so, because it appeared to be right at the front of the truck, the big, the tall jacked-up, I think it's a Ford.

Aguilera: Uh-huh (AFFIRMATIVE).

Long: That's where all the smoke was and that's where I last believed Scott Inthavong.

Aguilera: And....

Long: Brian's pretty big. I didn't see him. I don't know where he was at. Ultimately I know he was at, at the end behind a tree. And, you know, although he was behind a tree, I don't think it was that big of a tree.

Aguilera: Right. But then you did see Botten at the driver's side with the driver's door open, correct?

Long: I saw him at the, he was at the front of the car. I was just behind him over here and I, I, you know, he was, I didn't see the door open or not. You know, I was looking at the guy moving. He was coming across and he was, looked like he was diving into the car. And as the shots were fired, I was like shoot, shoot, shoot, because he was arming himself, and my, my perception, we were all in a life or death situation.

Aguilera: Right. And when you're yelling shoot, shoot, shoot, where are you standing at?

Long: I was just to the right and behind Botten. I was just kind of kitty corner, but I thought I was closer to the car. You know, I, I, I was behind, I was closer to Botten. I could see him. He was in my field of fire and field of view and if he went right, he would have been right in front of my barrel.

Aguilera: And that's the reason you didn't shoot?

Long: That's why I didn't shoot.

Aguilera: Did you have your gun out at that point?

Long: I had my gun out at that point.

Aguilera: So you're behind him about how many feet would you estimate?

Long: Five, five or six. Four or five, you know, at most.

Aguilera: And then you see Botten fire rounds.

Long: Right.

Aguilera: And then Botten retreats for cover?

Long: Retreats and came, I came back with him to that car for cover.

Aguilera: And then you said there was a round that came out towards your direction?

Long: Right.

Aguilera: And your being you...

Long: Botten and...

Aguilera: ...Botten and Shue?

Long: ...and Shue, correct.

Aguilera: And that's shooting eastbound towards the east?

Long: Shooting eastbound out of the, the rear passenger of the car. It looked like a level shot out of the, that upper left window, and that's, you know, that was my perception. It looked like a level shot coming out and, you know, the debris spraying like a shotgun blast.

Aguilera: And then that's when you see Vance shooting from the south side?

Long: Correct.

Aguilera: By the secretariat there?

Long: Right. There were, you know, there were several shots. I, I can't account for anyone else and I cannot, no visual on Inthavong at all.

Aguilera: Is that, did that play into the reason why you didn't shoot from when you were east, because Inthavong, you didn't know where he was at or did you not have a good shot?

Long: No, I, no, my shot at, where he was in the car, I was blocked by that car, and the back of the, the trunk looking that way, I mean, I only had the upper area, otherwise I would have had to shoot through a windshield.

Aguilera: So you're blocked by the....

Long: Or the roof of that other car.

Aguilera: You're blocked...

Long: No.

Aguilera: ...by the car right next to it?

Long: Right, I was, I was looking at least to see if the door was opening and I was concerned about him coming out or trying to sneak out and take another position on us.

Aguilera: And then fast forwarding and going back towards the end is when you guys get up, go up the ramp towards the street and get out...

Long: Right.

Aguilera: ...and then you send a rescue team to come get Inthavong?

Long: Right.

Aguilera: And then you get Vance out of there second?

Long: Right.

Aguilera: Could you tell what kind of gun the suspect had at all?

Long: No, I believed it to be a cylinder barrel long, you know, long and looked, it looked, when the shot was fired, I believed it to be a shotgun. Inside the car, I heard rifle, I heard several weapons. I believed him to be armed. I did not know what, you know, Scott Inthavong saw.

Aguilera: Uh-huh (AFFIRMATIVE).

Long: But obviously and, one, my perception and I hoped everyone perceived is that he wasn't trying to escape. He was going to a part and reaching down and grabbing something as if to arm himself.

Aguilera: Right.

Long: And that was my perception that changed from a, a simply try to an arrest to a foot pursuit of a felony suspect to a life and death encounter.

Aguilera: Do you have anything?

Boisvert: No.

Aguilera: Sarge, do you have anything?

Valle: When, I, I went out there and actually looked at the parking lot, and the way that you're describing it now, I'm still not sure exactly where you're positioned. I know there's a row of cars on the north side of the parking lot.

Long: I was on behind the last car, furthest east car at the trunk at the sort of the trunk back wheel area.

Valle: So near the north wall, that retaining wall?

Long: Well, I was near the north wall but I was at the south end of the car, kind of still behind it. It was parked in face front.

Valle: Okay.

Long: It was a white car.

Valle: Gotcha.

Long: There was another white car like a stall or two over and then there was a, the suspect's vehicle.

Valle: Right. So and I believe he's been identified as Deputy Inthavong?

Long: Correct.

Valle: Is he the deputy that ran to the west side behind the gray pickup truck?

Long: Correct. He's, yes.

Valle: Okay. Did, did you notice any crossfire situation at that point?

Long: Not from there. Not from his shot. His shot was towards the back of the car and the wall and there was no personnel behind. You know, obviously, you know, ricochets you can't account for, but, one, obviously he perceived the threat. I believe the shots were, were controlled and, and, and maintained a decent level. It didn't seem like the barrel was rising or anything. Smoke was coming. Glass was flying. And I'm, I'm seeing the guy lunge into the car with, with the gun, and I'm like telling him, Nathan, shoot, shoot, shoot. I don't know what he saw but I saw the gun and believed he was armed and he was gonna shoot us. And I'm like shoot, shoot, shoot and I wanted to get him out of there. And the shooting was really to tactically be able to get him to either eliminate the threat or, or get out of there.

Lawrence: Now, again, just to interject here. My understanding is we don't go into tactics today. Alright?

Valle: Oh,. okay. I'm sorry, I'm sorry.

Lawrence: Yeah, can we cut?

Valle: I gotcha.

Lawrence: Yeah, thank you.

Valle: As far as who you gathered to get is it like a rescue team?

Long: Right.

Valle: Can you tell me who was involved?

Long: Well, Eric Martinez, Sergeant Martinez was out there with a vest, a shield and he was, he was gathering deputies just east of our lot. There were cars and detectives with vests and ARs and they were going, hey, we got in, let's get in and get a rescue. And I go, you know what, yeah, let's rescue. And so we, Nathan took the shield from Sergeant Martinez, and we set, we got this and we go, I had like eight deputies. I had several rifles and a rifle on the roof and we went in. I, I believe the roof had a great, great shot. It was a great tactical spot with minimal problems and any, any type of fire.

Valle: And did you say there was somebody driving the car, who was that?

Long: Brandon Jackson.

Valle: And who is that?

Long: He's a, he's a...

Aguilera: Deputy.

Long: ...Duarte Deputy, he's a deputy, he's a Duar-, I think assigned to Duarte.

Valle: Okay.

Long: I believe he's 58, unit 58, would be my, his normal assignment.

Valle: Okay. And I, I don't know, maybe I misunderstood it, but did you, did you say there was an Explorer?

Long: No, it's a Ford Explorer.

Valle: Okay.

Long: A Ford Explorer, he was driving in the Ford Explorer.

Valle: Okay.

Long: Which is his patrol car. I think it's, the number he usually drives is 6031. I can't guarantee that was it.

Valle: Gotcha. Okay, I don't have anything further.

Lawrence: Okay, nothing.

Aguilera: It's approximately, do you have anything else to add?

Long: No, I don't. Thank you.

Aguilera: It's approximately 1553 hours. We'll go off tape.

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SHERIFF'S DEPARTMENT
TEMPLE STATION





James Lowe #[redacted] 02




33

WINTESS DEPUTY HENRY SHUE

WITNESS INTERVIEW

DEPUTY HENRY SHUE

Valle: Today is September 6th, 2018. The time is 10:05 AM. My name is Sergeant Paul Valle, this is Sergeant Andy Ruiz of the Internal Affairs Bureau, which is commanded by Captain Josie Woolum. Today we're going to be interviewing Deputy Henry Shue regarding a force shooting review, and that's going to be under file number SH2423868. My last name is spelled V as in Victor A-L-L-E. And Sergeant Ruiz?

Ruiz: And my name is Sergeant Andy Ruiz, last name spelled R-U-I-Z.

Valle: Henry, can you please spell your full first and last name?

Shue: Yeah, first name is Henry, H-E-N-R-Y, last name is Shue, S as in Sam H-U-E.

Valle: And Sherry?

Lawrence: S-H-E-R-R-Y, L-A-W-R-E-N-C-E.

Valle: Thank you. Henry, before going on tape I presented you with this admonition rights force shooting investigation form. I see you answered the two questions, dated and signed the bottom, is that correct?

Shue: That is correct.

Valle: Do you have any questions about the form before we continue?

Shue: Negative sir.

Valle: And prior to today's interview I provided you and your attorney your transcripts for your interview with Homicide Bureau on the day of the incident. I see you have a copy in front of you, is that correct?

Shue: Yes sir.

Valle: Did you go over those transcripts –

Shue: Yes, I did.

Valle: - prior to today's interview?

Shue: Yes sir, I did.

Valle: Alright. Henry, can you just briefly give me your work assignments, when you were assigned there, year and where.

Shue: Starting from the very beginning sir?

Valle: Yeah, after the academy.

Shue: [redacted] And then in June of 2015, I came out to patrol assigned to Temple Station. That's where I'm, where I'm currently assigned to.

Valle: You're currently assigned there?

Shue: That is correct sir.

Valle: If you recall, back on March 20th, 2017, that's the day of the shooting.

Shue: Correct.

Valle: Do you remember what your assignment was?

Shue: I was assigned to day shift [redacted] which is in a patrol car for the City of Temple City.

Valle: Did you have a partner that day?

Shue: By myself. That's a single man car.

Valle: So, you had sister cars, but your, unit 52 is a single man car?

Shue: That's correct.

Valle: And do you remember what time you started your shift?

Shue: It was between [redacted] to [redacted]

Valle: Were you wearing a full Class A uniform with a gun belt?

Shue: That is correct sir.

Valle: Did you have a portable radio on?

Shue: Yes, I did.

Valle: Besides the firearm on your gun belt, did you have any other weapons or equipment on your person?

Shue: Exactly what I have. I have, I believe I had a tazer on me, but I'm not quite sure. A radio. I have another backup weapon in my [redacted] It's a [redacted]

Valle: What kind of caliber?

Shue: It's a 38.

Valle: 38, okay. Okay, so, that morning how is it that you learned about that there was a suspect in the lobby?

Shue: It was actually during our 07:00 car debriefing, there were several of us were in the briefing room.

Valle: Uh huh.

Shue: And during the briefing, first of all I received a page over the intercom requesting me to report to the front desk when I'm done with the briefing, to see the watch deputy.

Valle: Was that unrelated to –

Shue: Later I found out it was.

Valle: Go ahead, I'm sorry.

Shue: And then while during the briefing, Deputy Vance, who is assigned to, who is assigned to our Station doing the 290 registry at our station. He walks into our briefing room and asked for a, one of us to volunteer to go to the front and arrest this person who came into the station for sex registry, because he had a forty-thousand dollar warrant for his arrest. So, we finished the briefing and we are, so, basically myself, Scott Inthavong and Sergeant Long the three of us proceeded into the front of the station and Deputy Botten was finishing his early morning shift at 07:00 hours. He saw a bunch of us walking towards the front of the station, towards the front desk, and he found out what was going on. He goes, "Oh, I'll walk with you guys just to make sure everything was fine." But before I go further, let me back up a little bit. Deputy Vance, besides telling us that this individual had a forty-thousand-dollar warrant, he's obviously a 288, a 290, but what was very, very interesting, alarming to as well is Deputy Vance told us that when he came up to the counter to provide some information, when he opened up his wallet to retrieve his driver's license –

Valle: When you say he, I'm sorry, you're talking about the suspect?

Shue: The suspect, right.

Valle: Okay.

Shue: He opens up his wallet to retrieve his ID to show it to Deputy Vance, he, Deputy Vance actually saw a badge in his wallet. So, that kind of caught his attention.

Valle: Uh huh.

Shue: And he kind of, I think he related to the information to us as this is possibly a fake police badge or some sort like that. So, he warned, he kind of alerted us in saying that if this guy's carrying a badge, that there's a possibility he might be armed. So, you know, approach him with caution. Anyway, so that's the whole how we started, when the briefing was over, everybody started to proceed to the front of the station from our briefing room. Which is located in the back of the station.

Valle: Okay.

Shue: When I got to the front of the station, I checked in with the desk, because I was asking me to do. So, while all three deputies plus Sergeant Long went along to the front, proceeded to the front counter area, I went into the desk to check in with the watch deputy to see what was going on. And we turned out to be the same thing. They're like make sure you, we were looking for deputies to assist Deputy Vance in regards to this 290 possible 1015 individual right here.

Valle: Let me, let me, so, when you went into the watch deputy's office, and that's clearly the watch deputy's in the front of the lobby. The windows inside the watch deputy's office face the lobby, is that correct?

Shue: Correct.

Valle: So, you're in this lobby.

Shue: Uh huh.

Valle: Where is the other deputy's, and let me just get it straight. It's Deputy Inthavong?

Shue: Correct.

Valle: That's I-N, I'm going to spell that. I have it down here, hold on.

Lawrence: I can spell it for you. I-N-T-H-A-V-O-N-G.

Valle: Correct, thank you. Deputy Inthavong, who else was going in the lobby?

Shue: Yes, and it was Deputy Inthavong and I believe Deputy Botten, B-O-T-T-E-N.

Valle: That's number 2.

Shue: And also, Sergeant Long.

Valle: Sergeant Long, L-O-N-G?

Shue: Right, and then of course and followed by Deputy Vance, V-A-N-C-E.

Valle: He's the person, he's the deputy that told you about this information about the suspect?

Shue: That is correct.

Valle: So, you're in the lobby, you're in the watch deputy's office speaking to the watch deputy and what happens after that?

Shue: So, you can actually, like you said sir. You can see through the door, tinted glass that you can see a partial view of our front desk, you can see the individual sitting in front of the desk.

Valle: Uh huh.

Shue: I can see that deputies and the sergeant, they exit through the door, approaching the front lobby at this point in time. And as soon as I figure out that it's the same, related to the same call, I said okay, yeah, I'm going too, I'm going with these guys. So, I'm going to go take care, I'll go help them out right now. So, I left the desk and approached to the front desk area, the lobby I should say. At this, by this point in time when I step into the front lobby area, the guy had already trying to leave the front lobby.

Valle: The guy?

Shue: The suspect.

Valle: Okay.

Shue: And then I remember Scott was trying to say, Inthavong, Deputy Inthavong was trying to say, "Hey sir, can we talk to you real quick?" I remember hearing him saying that and then the guy just like had the, I believe I told the detective the day that he had your, caught with the you know, the guys and he just looked at us and eyes wide open. And he just ran, turned around and ran straight out through the front door of our station lobby, towards the parking lot.

Valle: So, let me put you on hold there. So, when you, when you walk into the lobby following the deputies and the sergeant.

Shue: Uh huh.

Valle: Where did you first see the suspect?

Shue: I first I saw him when I was at the dispatch center through the dark glass door. He was facing the, obviously the front desk. But when I came around, obviously I lost sight of him, because now I'm in the hallway and going to the front, front lobby area.

Valle: Okay.

Shue: So, I didn't see him again until I was actually in the station in front lobby. At this point in time he was actually standing pretty close to the station front door.

Valle: Is he inside or outside?

Shue: Still inside sir.

Valle: So, he's near the entrance?

Shue: Right. So, we're like, "Hey, can we talk to you really quick?" but he saw like four cops in full uniform.

Valle: Now, you said we started talking to him. Did you actually speak with this (inaudible)?

Shue: I did not. I did not, because I was the last person towards the back.

Valle: Do you remember who was making verbal contact with the suspect?

Shue: I believe Deputy Inthavong was.

Valle: And you said he had a startled look on his face. What happened after that?

Shue: And then he turns around and pushed the door open and ran outside.

Valle: If you remember, do you remember what he was wearing?

Shue: No, I don't. I remember, I do remember he had a cowboy hat on.

Valle: Was that information provided to you as a description from Deputy Vance, like did you recognize him to be the suspect that Deputy Vance had articulated?

Shue: He mentioned something about he looks like a cowboy.

Valle: So, in your opinion you thought that was the suspect?

Shue: That was –

Valle: In question?

Shue: Right.

Valle: So, what happened after he ran out of the station doors?

Shue: He ran out to the station and he, obviously everybody, all of my partners were running after him.

Valle: Uh huh.

Shue: And at one point, as soon as he hit the parking lot, I remember at one point that he grabbed his cowboy had and tossed it towards us.

Valle: Okay.

Shue: As he was running away from us.

Valle: Okay.

Shue: So, I thought for sure he was going to, I thought for a moment I thought he was going to actually just exit and just run towards Las Tunas go northbound from the front parking lot. But instead he bolted towards the northwest corner of the parking lot. Later I found out that that's where his vehicle was parked.

Valle: I'm going to take a quick break. I'm going to put you on pause real quick, because I forgot to bring a pen. I'm going to show you some photographs and I would like your you know, where did you see these, do you have a red pen? Oh cool.

Lawrence: Oh, a red pen?

Valle: Yes, I like it red, only because –

Lawrence: No.

Valle: So, we're going to take a quick break. The time is 10:17. Okay, we're back on record. It is 10:18. We're still interviewing Deputy Shue. Okay. So, I'm going to give you a red pen and I'm going to have, I'm going to show you an aerial overhead view of the front of the station parking lot. Does that look familiar to you?

Shue: Yes sir.

Valle: It looks like the front of Temple Station, correct?

Shue: Correct.

Valle: And just for the purposes, I'm going to mark direction north. Does that seem appropriate?

Shue: That is correct sir.

Valle: So, you said that you, when you, the suspect, you thought he was going to run towards Las Tunas, towards north, but –

Shue: Right.

Valle: The direction that he, you said he ran towards?

Shue: He actually ended up running towards the northwest corner here.

Valle: Okay.

Shue: This direction.

Valle: Can you draw me a, like a dotted line of the path that you thought that the suspect ran from the front of the station.

Shue: Thought or –

Valle: Well, what you saw.

Shue: Oh, what I saw?

Valle: Yes. Okay. Now, there's a blue SUV in the middle of the photograph.

Shue: That is correct.

Valle: Did you, do you recognize that as belonging to the suspect?

Shue: Yes.

Valle: Or at least that the suspect ran towards?

Shue: Yes. Later on we found out that was, belonged to the suspect.

Valle: What did you, what was his speed like? Was it a jog, was it a sprint? What was it?

Shue: It was a pretty, yeah, it was a sprint.

Valle: Okay.

Shue: I mean he was trying to evade from us.

Valle: Did you hear or let me ask you, did you give any verbal commands to him at that point?

Shue: No, because like I said, I was the last person out.

Valle: How about did you hear any verbal commands while he was running?

Shue: Yes.

Valle: What did you hear?

Shue: Just stop, talk to us, some sort of, I think that's what I heard.

Valle: Okay.

Shue: Right.

Valle: Do you recall who was the closest behind him?

Shue: I would say it was Deputy Inthavong.

Valle: Okay.

Shue: Was the closest to him.

Valle: By the time you got to the car, as your dotted line ends, where were you?

Shue: If I remember correctly, when this all happened, I was around this area where the handicap parking are.

Valle: Uh huh.

Shue: Situated. That's where, approximately that area.

Valle: So, that's your initial, where it ran towards?

Shue: Right.

Valle: What happened after that?

Shue: So, when I was running towards this area where the parking lot for the handicap parking stalls are.

Valle: Uh huh.

Shue: I can start hearing Scott's commands, verbal commands.

Valle: Inthavong?

Shue: Deputy Inthavong's verbal command, "Let me see your hands."

Valle: Uh huh.

Shue: Several times, loud.

Valle: Where do you think the suspect was at this point?

Shue: At this point in time he, I believe he was right here on their passenger side of his vehicle.

Valle: And now, the vehicle, can you describe the position, how was it parked?

Shue: The vehicle is parked towards the northwest corner of the parking lot. What's odd is he parked like a policeman. His car was facing south towards the, our station.

Valle: So, he backed it in?

Shue: He backed it in, absolutely. And also, was also interesting to me that day was instead of running towards the driver's side, he didn't. He went to the passenger side. That's also very, very odd from my vantage point.

Valle: So, during this time you're standing near the handicapped stalls. Could you see the suspect standing on the passenger side?

Shue: Yes.

Valle: What was he doing?

Shue: He was actually trying to get into his car.

Valle: Do you remember what door he was trying to get into?

Shue: It was either, I think it was either the, that you know, honestly, I don't recall.

Valle: Okay.

Shue: It's either the, obviously it's the front or the back, but I couldn't, I don't recall that.

Valle: So, you mentioned that you heard Deputy Inthavong at that point giving commands, "Let me see your hands." Is that correct?

Shue: Correct.

Valle: Where was Deputy Inthavong at that point?

Shue: He was actually somewhere around this area.

Valle: Okay.

Shue: To the right. I believe she was hiding, standing, trying to take cover and behind this, I believe this is a very, very large truck, a lifted truck.

Valle: Here's another photograph. Do you recognize that as well?

Shue: Yeah, yes.

Valle: Is that the truck that you're referring to?

Shue: Yes sir.

Valle: Now, I'm going to ask you now, because I'm going to determine whether I need to get another photograph, but did Deputy Inthavong move from this area you're indicating?

Shue: I think he was there pretty much the entire, I mean he maybe moving you know, up and down. But he was in this area.

Valle: Okay.

Shue: In general.

Valle: Can you do me a favor, mark a circle of where the general area he was standing, then put an 'I' in the middle of it. Only because, so I can know that's Deputy Inthavong's position. So, during the time that you're in this handicapped zone or parking stalls you hear Deputy Inthavong giving commands to the suspect. He's standing in that area that you've indicated?

Shue: Correct.

Valle: Where is, where is Deputy Vance? If you remember, at this point?

Shue: I don't.

Valle: Okay.

Shue: I don't remember.

Valle: What about Deputy Botten?

Shue: Botten, he was somewhere around this, around about this area.

Valle: Okay.

Lawrence: Are we talking about the point in time that the suspect first was trying to get into the truck?

Valle: Correct, yes.

Shue: Around that area.

Valle: Can you put a 'B' in that circle. Do you remember where Sergeant Long was?

Shue: With Deputy Botten.

Valle: Can you put a, there you go. Okay. Sergeant Long. Okay, then what happened after you heard the verbal commands by Inthavong?

Shue: He yelled out, "Let me see your hands." Repeatedly and he continues to reaching, to me he was like go, trying to reach, go inside or reach into his vehicle.

Valle: Did you notice if any of the vehicle doors were open at that point?

Shue: Other than this suspect's vehicle, no.

Valle: Okay.

Shue: Yeah. So, he was trying to get into, inside his vehicle from the passenger side. And shortly thereafter I hear a gunshot.

Valle: And you say a gunshot. Is that –

Shue: Gunshots.

Valle: - singular? Oh, shots, okay.

Shue: It's multiple.

Valle: Multiple.

Shue: Yes.

Valle: Do you remember, do you know who was shooting?

Shue: Deputy Inthavong.

Valle: And did you actually see that?

Shue: Yes, I did.

Valle: Where was he standing when you saw him shooting his gun?

Shue: He was, oh geez. I think he was actually, again he's –

Lawrence: I just want to warn you not to speculate. If you know, you know, if you don't, don't speculate.

Valle: Uh huh.

Shue: Right, okay. Yeah, I don't really recall exact position from my, because I hear. I turn around and I saw him, but I don't recall exactly where he's standing now.

Valle: But are you confident that he's in the area that you marked in the circle?

Shue: Yes.

Valle: He's in that general area?

Shue: Correct.

Valle: When you first hear the first gun fire, where were you?

Shue: I was right around the same area, right around this area again.

Valle: Where the handicapped zone is?

Shue: Correct.

Valle: So, what happens, what do you do when you hear the gun fire?

Shue: I heard the gun fire and obviously the first thing I was looking for is a place to you know, for cover. And I realized I didn't.

Valle: Okay.

Shue: And what caught me also by surprise is in this area where this, the tower, the big tower is.

Valle: Uh huh.

Shue: The day of the incident, there were three or four workers were standing in this corner.

Valle: Okay.

Shue: I found them standing right there and they were caught off-guard.

Valle: Okay.

Shue: So, I was like oh my gosh, there are three civilians just standing right in the corner and didn't know, they just froze.

Ruiz: Deputy Shue, I just want to ask you. You said you looked for –

Shue: Cover.

Ruiz: - I think you mentioned about cover, and you said you didn't. Did you, what did you mean by that?

Shue: Looking for a car or somewhere I can stay away from the gun fire, because you know, I have nowhere, there's nothing in front of me where I was standing.

Ruiz: So, there was no cover where you were at, correct?

Shue: Correct.

Ruiz: And so, and did you see places where you could go for cover?

Shue: Yes, I did.

Ruiz: Did you eventually make your way to a place of safety?

Shue: Well, later on I made a decision instead of running towards my cover, I had to first direct these three gentlemen to be, to run away from the, to take them away from this area. Which I did. So, I ran quickly towards them, waved the over, yelled at them, said, "Get over here right now." So, those three quickly ran towards me and I escorted them towards the front of the station and they went inside the lobby area. And this, at that point in time I retrieved, came back here just there's a ramp right here and there's a very tall planter. I ended up staying right, I ended up laying down right there on my stomach and that's where I took my cover.

Ruiz: Thank you.

Valle: Okay. So, you stated you saw about three individuals, civilians in this corner near the tower.

Shue: Right.

Valle: Is that correct?

Shue: Correct.

Valle: When you ran over towards them, did you run in front of, is this a parked vehicle that's just slightly about the center of the page?

Shue: Uh huh.

Valle: Was that car there, if you remember?

Shue: I honestly didn't remember seeing the car, but yes.

Valle: Do you remember what path you took to get to these three civilians?

Shue: I think I just went, just go towards him. I think I must have, but just yelled loud enough for them to come over towards me.

Valle: Oh, I see. So, you didn't make your whole way to the corner?

Shue: No, I did not.

Valle: You were just yelling at them, giving them directions?

Shue: Right, right.

Valle: And then did they comply quickly?

Shue: Yes, oh yes.

Valle: Where did they go? Do you remember what path they took?

Shue: They just went straight right, right around –

Valle: Like along the planter there?

Shue: Right, and then they ran inside the station.

Valle: Did you notice any other civilians in the parking lot area?

Shue: No, yeah, after that I did a quick scan to make sure there's no, there's no one around this area and there weren't.

Valle: I assume this is quickly evolving. This is happening very quickly?

Shue: Very.

Valle: At the time that you started giving commands to the three civilians to get out of that corner, what was going on at that point?

Shue: I believe there were still gunshots.

Valle: And again, do you know where those gunshots were coming from?

Shue: I know for sure it's around this vehicle, but I don't know who was shooting at who.

Valle: About – Can you tell me, well – We'll get to that later. But okay, so after they run across eastbound?

Shue: Uh huh.

Valle: Into the front of the station lobby.

Shue: Uh huh.

Valle: You said you made your way northbound into the driveway of, the main driveway of the station.

Shue: Right, because I didn't really, I didn't go in towards them. I just ran, ran towards the planter and that's where I took cover.

Valle: I'm going to show you another photograph of the, from the front of the station.

Shue: Yes.

Valle: And it looks like the parking lot looking from the front of the station.

Shue: Correct.

Valle: Can you indicate with an X where you took cover.

Shue: Right, right here.

Valle: And so, that's after you escorted or made sure that the three civilians went into the station?

Shue: Correct.

Valle: In this photograph do you remember where Sergeant Long and Deputy Botten were?

Shue: They were, I believe, right by this white, is that a Jetta it looks like? I think they were, they were right around this area.

Valle: So, can you just put a B and an L, so I know those are the, that's the position of those two?

Shue: Correct.

Valle: Where the deputy and the sergeant. And that way you had put yourself in this cover position, were you laying down?

Shue: On my stomach.

Valle: Did you have your weapon drawn?

Shue: Yes, I did.

Valle: Were you hearing gunfire at this point?

Shue: that I don't recall.

Valle: Could you tell me, and I'm just, how did, tell me the description of the gun pattern. In other words, initially you heard gunfire and you said it was Deputy Inthavong shooting towards the suspect?

Shue: Correct.

Valle: And then you went to get these civilians out of that corner.

Shue: Correct.

Valle: Was there, was it a continuous gunfire pattern throughout that time? Was there a lull, was there a different sound of a gunfire?

Shue: That I don't know, but there was a continuous fire.

Valle: How about when they were, when the civilians were running along the planter towards the front of the station was there gunfire at that point, continuing to be heard?

Shue: Yes, there were, yeah.

Valle: Okay.

Shue: Not as rapid.

Valle: And then when you went from the front of the lobby to the cover position of the driver, was there continuing gunfire while you were walking to that position?

Shue: No.

Valle: So –

Shue: But once I laid down on my stomach, I heard a couple more shots.

Valle: And can you give me an estimate of what you heard, how many, what's a couple?

Shue: I would say around two to three shots fired from where I was.

Valle: Now, you've indicated where Deputy Botten and Sergeant Long were.

Shue: Right.

Valle: Again, at this point, did you realize at any point where Deputy Vance was?

Shue: No, not until I was over here.

Valle: Laying down?

Shue: Laying down.

Valle: Where was he?

Shue: He was standing behind, by the station. There was a tree.

Valle: Okay.

Shue: He was behind the tree.

Valle: I'm going to show you another photograph. Is that the tree?

Shue: Yes sir.

Valle: Can you put a circle of where he as and then put a V. Very good, so was he in front of the tree or behind the tree?

Shue: Behind a tree.

Valle: So, how about any other deputies? Did you notice any other deputies or see other deputies at this time?

Shue: No.

Valle: I know later on there was a probably a lot more people.

Shue: A lot more.

Valle: But the initial gunfire time, when it was evolving, did you notice any other deputies?

Shue: No.

Valle: Do you know if you saw anybody else, except well, I'm not sure. Did you actually see Deputy Inthavong shooting?

Shue: Yes, I did.

Valle: Did you see any other deputies or sergeant firing their weapon?

Shue: I saw Deputy Vance did.

Valle: So, and the place that you've indicated on the photograph and behind the tree, is that where you saw Deputy Vance firing?

Shue: That's correct.

Valle: And where, do you know what he was firing towards?

Shue: Towards the blue car, suspects' vehicle.

Valle: The suspects' vehicle, okay. Anybody else, did you see Deputy Botten?

Shue: No, I did not.

Valle: Did you fire?

Shue: No, I did not.

Valle: Could you tell me why you didn't fire?

Shue: Because I was, where I was and Sergeant Long and Deputy Botten was right in front of me.

Valle: Uh huh.

Shue: I couldn't get a shot off from my vantage point. Not to mention I didn't see, from my viewpoint, I didn't see the suspect, what he had in his hands.

Valle: So, first of all, at the beginning portion of the incident, you're saying that you didn't, you saw the suspect attempting to get in the car, but you didn't see him –

Shue: Right.

Valle: - in a threatening, doing anything threatening towards you or to anybody else?

Shue: Or anybody else.

Valle: For you to shoot your weapon?

Shue: Correct.

Valle: And while you were laying down on your stomach behind cover in the driveway, the reason why you didn't fire, I think this is what you told me, is because there was personnel in front of you?

Shue: That's right. There were two, Deputy Botten and Sergeant Long were in front of me, in front of the planter, which is right next to the white Jetta that was parked.

Valle: Okay, so, I'm going to go way back.

Shue: No problem.

Valle: So, while you guys were being briefed by the Deputy Vance in the briefing room, even up to the point that you're walking towards the front of the station, because I know you said you go to the watch deputy's office, everybody else goes to the door, to the lobby. Was there any plan formulated, quick plan?

Shue: Yes, we did actually as we're advancing towards the front of the station, we kind of just formulated the plan that Deputy Inthavong was going to be deadly and I believe Deputy Botten said that he was going to take the tazer. And I think that's pretty much it. And as we were walking towards the front of the station.

Valle: So, there was something quick –

Shue: Quick, very quick plan.

Valle: Quick plan. Do you know who orchestrated or who came up with that plan?

Shue: I believe it was, that I don't recall, but somehow we just started talking.

Valle: Okay.

Shue: In the hallway.

Valle: Was Sergeant Long in this group walking towards the front?

Shue: Yes, he was.

Valle: And you said that Deputy Inthavong was, was lethal and less lethal was Deputy Botten?

Shue: Yes, I believe so.

Valle: At the time, before the time of the shooting or maybe simultaneously in the beginning, did you ever hear anybody yelling anything? Besides I know you said let me see your hands, I think you said Deputy Inthavong was saying, "Let me see your hands."

Shue: Uh huh.

Valle: Was there any other yelling or shouting?

Shue: Yes.

Valle: Could you tell me what you heard?

Shue: I believe it was Sergeant Long, "Shoot, shoot, shoot."

Valle: Shoot, okay. And what, when did that occur, if you remember, in this sequence of events?

Shue: It was after actually, honestly, I don't recall the sequence. I just remember hearing while I was escorting those three civilians away towards the front lobby area, I heard, later on I found out it was Sergeant Long. I heard somebody yelled.

Valle: So, at the time you heard the, you heard the words shoot, shoot, shoot, but you didn't know who it was from.

Shue: Right.

Valle: It was later on –

Shue: I learned it was from the sergeant.

Valle: Do you know if, well, did you see the suspect shoot a weapon?

Shue: No, I did not.

Valle: Did you hear the suspect shoot a weapon?

Shue: There was so many rounds. I wouldn't even know if the suspect shot his gun.

Valle: Okay.

Shue: So.

Valle: At any time did you see if the suspect was armed with any kind of weapon?

Shue: No, I did not.

Valle: So, I need you to kind of give me, go back in time a little bit and think about when you first heard the gunfire from Deputy, well what we assume was Deputy Inthavong.

Shue: Correct.

Valle: Up to the time that it ended.

Shue: Uh huh.

Valle: How much time do you think had passed?

Shue: Honestly, the time seemed like forever, but in reality, it was probably less than a couple minutes.

Valle: While this was occurring, you stated you first were standing in the handicapped area, you escorted the three civilians and then you came back out of the station and you were laying down. Did you personally communicate with anybody? Were you telling anybody anything?

Shue: Honestly, at the time I didn't, because shortly thereafter Aero showed up.

Valle: What time did they, I mean thereafter what? Thereafter you laid down?

Shue: They showed up pretty, I can't really give you a time frame. They show up pretty quickly and they were orbiting above our station parking lot. It was so loud, to the point that we couldn't really hear anything after their arrival. They were orbiting, hoovering around our station and I look over to my left, towards the tree where Deputy Vance was standing, and he looks at me and he points to his ear, indicating that we couldn't hear each other.

Valle: Okay.

Shue: What I need to also mention is once I was laying down here on the ground, I realized I couldn't shoot from my vantage point. And SCC came on the air, they were asking for what's going on at Temple Station. So, I went on the patch, I told SCC dispatcher what's going on. I told him exactly where the suspect's location and what was going on. I told him that one deputy's on the west, on the northwest corner of the parking lot over here and we're on the east entrance parking lot over here where we're requesting you know, you know, areas to be contained and we're also asking for obviously aero and SEB to roll. While this is over, I also asked Aero to orbit a little bit higher, because we just cannot hear him and I remember that Aero came back and said, "Hey, let me make sure, do a couple more orbits. I want to make sure that the suspect inside the vehicle wasn't moving anymore. There's no more threat before I go a little bit higher."

Valle:: Uh huh.

Shue: I understand that you can't hear. So, eventually he went a little bit, he orbited a little bit higher, so we start to be able to hear each other.

Valle: But at the time of the shooting do you remember communicating with each other –

Shue: Before or after?

Valle: During the shooting.

Shue: No, I didn't recall anything and afterwards when the chopper was a little bit higher, we were calling out Scott, to make sure he was okay. And because from where we are, where I was, I couldn't see him.

Valle: Okay.

Shue: And we're just yelling, "Hey, Scott, are you okay?" and Scott yelled back, "I'm okay, I'm okay." And we're like, "Stay where you are. Stay there."

Valle: Okay.

Shue: So, that's basically what happened. We made sure that he was okay and by this point in time everything was locked down you know, and then they formulate a further plan to have a rescue team to come in here to scoop up Scott from that corner, because he was pinned in the corner over there.

Valle: Do you know if you were the first deputy to communicate with SCC?

Shue: I think I was. I honestly don't know, because at that point in time whether if our dispatcher put out something over the air, I have no clue. I couldn't hear anything at this point in time, but when the SCC came on the radio I was able to hear, I put out as much as I could.

Valle: Uh huh.

Shue: Later on I you know, I was told, at one point in time I didn't even realize that if we were on the patch or not, but I had partners who were working overtime on the west side, he told me he heard my radio traffic. So, I don't know exactly what happened that day. But I put out as much information as I could with my radio.

Valle: And you're indicating towards the radio on your shirt. Is that the position you had your radio, microphone?

Shue: Yes. Yes.

Valle: So, you don't recall if you had actually cleared the radio you know, for 1033 traffic. Did you advise them 998?

Shue: Yes, I did.

Valle: What about clearance for the patch, do you remember doing that or if you did or?

Shue: I don't recall that.

Valle: So, the helicopter is there, they climb a little higher.

Shue: Uh huh.

Valle: What happens after that? You said you gathered or there was a team put together?

Shue: Right, later on I found out that there was a team gathered and then they brought in a radio car with several deputies. They drove up down the ramp.

Valle: The driveway?

Shue: Right, to the driveway in this area, and basically pick up myself and Deputy Botten. And as we were backing up and Vance was waving, like. So, we come in quickly, real quickly, going to grab him and then we retrieve. And then we obviously, we weren't sure whether this person was still moving around, the suspect was still moving around. So, we, I believe I, honestly by this point I'm like, my memory is kind of scratched. Kind of scratched you know, so, and we went back further again. And this time we had believed there was a couple deputies actually went a little bit further to bring Scott back out who was hiding behind the 4 by 4 truck.

Valle: So, the team took you, Botten and Long out first?

Shue: Yeah.

Valle: And Vance?

Shue: Uh huh.

Valle: And then went back for Deputy Inthavong?

Shue: Correct.

Valle: Did you, it sounds like other deputies came in and did that. Did you participate in that, or you were just merely taking out?

Shue: No, I was taken out.

Valle: So, let's look at this overhead picture of the first one I showed you of the station parking lot.

Shue: Uh huh.

Valle: You indicated that Deputy Vance was standing near the –

Shue: Behind a tree.

Valle: -tree. Okay, near the front doors of the lobby. Deputy Inthavong was here at the, standing near the, it looks like, you're indicating the passenger side of the truck?

Shue: That is correct.

Valle: Because this truck is also back in?

Shue: Yes.

Valle: At any point, from what you saw, did you ever notice that there was any kind of a crossfire situation?

Shue: Oh yes.

Valle: Could you tell me about that?

Shue: Absolutely. Because as you can see, the suspect's blue truck was parked right in the middle.

Valle: Uh huh.

Shue: You know, Deputy Inthavong is on the west side and Deputy Long and Sergeant Long and Deputy Botten were on the west side of the parking lot.

Valle: So, you're saying that the, although, the only person you saw, the only sworn or deputy that you saw shooting was Deputy Inthavong?

Shue: And Deputy Vance.

Valle: Oh, and Deputy Vance, I'm sorry. So, let's talk about Deputy Vance. Do you think that in the position that he was in, was it considered a crossfire situation?

Shue: Negative.

Valle: And that's because he's on a completely different angle south of the target?

Shue: Correct.

Valle: And when you say that there was a crossfire situation, what is it you're referring to?

Shue: Potentially if Deputy Botten was firing towards the suspects' vehicle and Deputy Inthavong was too. So, they were pretty much, I mean that's the only thing that I can think of potentially.

Valle: The suspect is in between both of the deputies?

Shue: Correct.

Valle: Alrighty. After you saw the suspect trying to get into the passengers' vehicle, or I mean the passenger side of the vehicle.

Shue: Yes sir.

Valle: Did you see the suspect at any other time after that?

Shue: No.

Valle: You don't know where he went?

Shue: As far as I remember, I believe he went inside to his car.

Valle: Okay.

Shue: In fact, I want to, now you ask me the question I believe he went to the back of the, rear passenger.

Valle: And how is it that you know that?

Shue: Because I remember the back, no, when I, all of a sudden now I remember when I was running away I saw the back door was open.

Valle: Running away where?

Shue: Towards, running the three civilian (inaudible).

Valle: So, you saw the back doors of the, I'm sorry –

Shue: Back passenger, rear passenger door was open.

Valle: Oh, okay.

Shue: Because when I was running away, I had my gun out, pointing towards the suspects' vehicle when I was, when I was escorting those three civilians. That's the only way I remember. When you said that, I remember seeing that.

Valle: And you just reminded me to ask you this, at what point did you draw your weapon?

Shue: As soon as I heard the gunshots.

Valle: And you kept it out and you said that when you were pointing it towards where when you were –

Shue: Towards the suspects' blue, blue truck or SUV. So, when I was escorting those three civilians towards the front station of lobby, my gun was at all times pointing towards at, towards the suspects' vehicle.

Valle: Do you have anything?

Ruiz: Yes, I do. When you guys first went into the lobby actually, scratch that. You mentioned from the watch deputy's office you can see into the lobby, correct?

Shue: It's the dispatch center, yes sir.

Ruiz: From the dispatch center. Was there anybody else in the lobby at the time?

Shue: Honestly, I don't recall sir, because I just ran out after them. As far, I don't, I don't recall that. I don't recall seeing anybody else.

Ruiz: So, that's at the point of the dispatch center. When you walked into the lobby with other personnel.

Shue: Uh huh.

Ruiz: Do you know if there was anybody else in the lobby?

Shue: No, I don't recall.

Ruiz: Thank you. Let's see. I know you said you never actually saw the suspect armed. Were you ever in a position to see the suspect present a threat or any kind of firearm?

Shue: From my vantage point, no, I did not.

Ruiz: And how long was it where you, from the time the incident began to the time you were either relieved or evacuated from the front parking lot area of the station, how much time had elapsed?

Lawrence: What are we calling the beginning of the incident?

Ruiz: From the time the suspect ran out of the lobby to the time you were evacuated from the front parking lot area, how much time –

Shue: Like what I told Sergeant Valle, I mean to me at the time, the day of the incident, it seemed forever. Honestly, I could not tell you the time frame when I was evacuated from the spot where I was, from the spot where I was taking cover. I couldn't even tell you. I don't, honestly, I didn't even know when the incident happened. All I remember was it happened shortly after our seven o'clock briefing. I don't even know what time

exactly when we walked out and when the incident happened. To this point I remember somebody, I mean I read the transcript and I realize it was around 7:30, but during that day I had no, as far as I know, all I know is it was somewhere around seven o'clock. I have no idea. I don't know when the shooting exactly happened. I don't recall when exactly when we were evacuated from the front station driveway area.

Ruiz: Alright, I'm going to move onto just one last, couple of questions. You mentioned a potential crossfire situation or a crossfire situation. Do you know, do you know that angle the other deputies were, were aiming, at what angle they were, what angle they took when they were aiming at the truck that led you to believe there was a crossfire?

Shue: I don't. The only reason why I said there was a possibility, because later on I found out where they were taking cover. That's the only way, I don't know whether at the time when Scott was, I mean Deputy Inthavong was shooting, I don't know what exact position that where he was at, nor you know, when I saw Sergeant Long and Deputy Botten, when I saw them that's the time when they took cover. As to when they, before their position they were at, I have no clue. All I can tell you is when I saw Deputy Botten and Sergeant Long, that's where they were at. They were at maybe perhaps some other location in the parking lot that I didn't notice, because I was busy evacuating those three individuals back to the front of the station. They may have moved around. I don't know, but what Sergeant Valle asked me about potentially crossfire is based upon the final areas where those deputies took cover. If they were shooting from those angles where they were taking cover, yes. There was potentially a crossfire issue. Whether or not they were shooting from that point, I have no idea. I can only tell you what I observed. Whether if at the time of the shooting, whether their exact position, where they were at, I really don't, I couldn't really offer you any kind of explanation or any kind of answer. All I can tell you is (inaudible) everything was ended from what I can see, from their final spot where they were at. Yes, there were potential crossfire issues. That's what I was trying to explain to Sergeant Valle.

Ruiz: Did you ever witness when it comes to the crossfire situation, did you ever hear, witness by either hearing anything, rounds going past other personnel?

Shue: As far as I know, no, because I only saw and heard when Deputy Inthavong fired first, and then when I was around by the ramp area, I heard the gunshot. When I looked to my left, that's when I realized Deputy Vance was standing behind a tree, firing towards the suspect where he was at. At this, but when I, I mean those gunshots were not fire, I don't think it was simultaneously.

Ruiz: Alright, and then just for the record, the first image, the first image Deputy Shue was presented is an aerial overview of the parking lot –

Lawrence: Do you want to mark that A or?

Ruiz: Of Temple Station. I'll leave that up to Sergeant Valle how he wants to mark it, but if you can, before we do that. So, that's the first image you, that was presented to you that you marked was an aerial picture.

Shue: Correct.

Ruiz: The second image is depicting a ground view.

Shue: From the station.

Ruiz: Of the parking lot and it appears to be taken from, from the lobby area of the station. Is that, is that correct?

Shue: That's a fair statement. That's from the front door of our station lobby, yes.

Ruiz: And the last image that you marked is an image depicting the handicap area and entrance to the station, to the Temple Station lobby, is that correct?

Shue: That is correct sir.

Ruiz: And then if you can, on the bottom right hand, bottom right hand, if you can place your initials and then we'll leave it up to Sergeant Valle how he would like those marked.

Valle: Anything else?

Ruiz: No.

Valle: So, it sounds like, just to reiterate, just to kind of wrap up this whole crossfire situation.

Shue: Yes.

Valle: Or potential. It sounds like what you're saying is that although the positions that they were in, Deputy Botten, Sergeant Long and Deputy Inthavong, you're basing that potential crossfire when it was stagnant?

Shue: Correct.

Valle: Did you hear any other gunfire after that?

Shue: Negative sir.

Valle: So, if they would have began fire, then obviously it would have been a crossfire situation?

Shue: Right.

Valle: That's why you used the word potential?

Shue: Right.

Valle: I do not have anything further, but yeah, I guess we can just go with the overhead aerial as A, I'll put an A on the top right-hand corner. A picture of the ground level from the station lobby facing north as B, on the top right corner. And a picture of the front of the station looking southbound as C, top right-hand corner. Alright, I don't have anything further. Sherry?

Lawrence: No.

Valle: You were there, we weren't there. Do you have anything else to add that we didn't ask or if you want to, we forgot to ask you about anything or any feelings that you had or?

Shue: I think that's it, yes.

Valle: Alright, we're going to end the interview. The time is 10:57 AM.

End of report.

I.A.B. #: SH2423868

WITNESS INTERVIEW

DEPUTY HENRY SHUE

Aguilera: It's March 20th, March 20, 2015, 2017. It's approximately 1557 hours. This is Detective Aguilera along with Detective Boisvert, from the Sheriff's Homicide. We're here in regards to a deputy-involved shooting that occurred on today's date under Sheriff's File Number 017-03249-0522-013. Also present, present is Sergeant Paul Valle from Internal Affairs Bureau, and an attorney from Greene and Shinee, Sherry Lawrence, who is representing Deputy Henry Shue from Temple Sheriff's Station. And Deputy Shue, you're assigned to dayshift today?

Shue: That is correct, sir.

Aguilera: And what unit were you working?

Shue: Five two, 52 covering Temple City.

Aguilera: And the hours you're working today?

Shue: [redacted].

Aguilera: And today something drew your attention to a possible arrest that was going to be done in the lobby, front entrance area, is that correct?

Shue: That is correct, sir.

Aguilera: And what, what did you learn what was going to happen and who did you speak to about it?

Shue: Yes, sir. So this happened actually while we were in the 700 cars briefing the briefing room, and the announcement was made over the PA system. It was from the desk, there was people requesting me to, to contact them before I go 10-8 after briefing's over. Towards the end of briefing, Deputy Vance entered the briefing room and told us that there is a 290 registrant in the lobby area with a 40K and requesting us to go to the front lobby to arrest the guy for the outstanding warrant. And Deputy Inthavong volunteered himself to take the handle on that and I was going to back him up for this assignment. So after, shortly thereafter, the briefing was over, so Deputy, Deputy Vance, myself, Sergeant Long, and Deputy Inthavong, the four of us exited the briefing room and we just walked towards the front of the station, towards the lobby, I should say. Right before I exited the station, entered

the station front lobby actually, excused myself to check in with the front desk because that's all I was requested to. I checked in with the desk and they told me the same thing. I said, hey, that's exactly what we're doing but Deputy Inthavong is taking handle on that. So I just kind of gave them the head's up. While, while I'm talking to a dispatcher, I can see through the dispatch center's glass, I can see that they start entering the front lobby. So I quickly ex-, excused myself from the dispatch center and walked towards front ce-, front lobby area to, to back up my partners. When I got there, I was the last perso-, last person to be in the lobby at that point in time. I saw the suspect who was already standing by the exit door of our station lobby, and the expression I could give you was that he had that deer caught in the headlight look. Eyes wide open and he just stare at us.

Aguilera: Where was he at?

Shue: He was standing right by the doorway of our front station lobby.

Aguilera: Outside or inside?

Shue: He was on the inside, and then he quickly tried to disengage us. I remember Deputy Inthavong I remember trying to talk to him to say, hey, can I talk to you, but he want, wanted nothing to do with us, because he saw four uniform deputies in the lobby area. So he quickly opened the door. He pushed the door open and took off running. And at some point in the parking lot, I remember this suspect took off his black cowboy hat and threw it towards Deputy Inthavong's direction.

Aguilera: Was Deputy Inthavong running after him?

Shue: He was, right, he was the first person that was, like I say, and then I believe I have Deputy Botten and Deputy, I, I'm sorry, Sergeant Long in front of me and I think Deputy Vance was either right next to me or somewhere around there. I didn't really see him. So we quickly kind of fanned out because he was going towards the blue colored Chevy Trailblazer that I guess later on determined it was his vehicle, and the way the park, the vehicle was parked, we thought that he may have, may, was trying to climb over the wall to escape from us. So we kind of fanned out. And Deputy Inthavong ran towards the west side of the parking lot, and I saw Deputy Botten and Sergeant Long kind of went towards the east side and I was standing behind the both of them. There, after that I saw the suspect kind of, kind of weird caught me off guard, instead of running towards the driver side, he actually went to the, the passenger side of the, the SUV, and, and he went to open the rear passenger door, I believe, and I hear somebody yell shoot, shoot, shoot him within, shortly after that. I look over, I saw Deputy Inthavong fire his service weapon. As soon as that happens, I kind of

caught myself, because at this point in time, I think Deputy Inthavong is already taking position to kind of be hiding, he was, he was already kind of hiding, he was behind the vehicle, I believe a big truck or some sort, and Deputy Botten and Sergeant Long was hiding, was taking cover behind a white sedan. I'm not really quite sure what kind of vehicle it was, and I was kind of caught in between and I was, I had nothing in front of me. So my first thought is I gotta find a place to, for cover. And I, when I was doing that, I kind of looked to my left, whereby the electrical car charging station area, I saw three civilians in their bright orange vests. I realized they were just standing there. So I quickly wave and say, let's go, let's go, go, let's get out of here. So when they start retreating towards the station lobby area and I kind of just kind of had my gun out of course and I would try to cover them so they can run towards the lobby area. Once they, once they were out of danger zone, I started looking for a place to take cover and I saw this tree on the, in the, it's kind of like a driveway down to our station parking area. There's a tree there. And so I kind of just, that's where I stayed. To, you know, eventually I actually, you know, got down to the ground on my tummy with my gun drawn and took the co-, took cover to protect myself, and I know the fact I couldn't shoot because both Sergeant Long and Deputy Botten was directly in front of me. So I, that's why I did not fire my service weapon. And at some point in time while I was taking cover over there, I hear shots fired from my left side. When I look over to my left, I saw Deputy Vance who was standing behind, behind a tall tree just west of the station main lobby entrance, that's where he was standing. He, I, I heard a couple shots coming from his direction. So I, I, at that point in time, realized that's where he was standing. I heard the radio traffic came out, SEC came on and they were asking for more details and nobody was talking. So since where I was I was at a pretty safe location, I put out really brief traffic stating, you know, exactly where the veh-, the vehicle was faced on the west side of the parking lot facing south. We have deputies staged on the west side of the parking lot towards the suspect, and we also have two deputies on the east side of the parking lot facing the suspect towards the west. And the subsequent traffic I put out the request for AR to be deployed. And shortly after that, Aero showed up and they were orbiting around us. At that point in time, it was so loud that nobody can hear anything, no radio traffic, we couldn't talk to each other. So Deputy Vance across the parking lot, he kind of waved at me, got my attention and he pointed, I think he pointed to his ear. I understood what he meant meaning that we couldn't hear each other and when the chopper was orbiting away from us, he yelled to me tell, tell the Aero to go higher so we can talk to each other. We can't hear, hear each other. So that's, you know, whenever I had a moment, I say, hey, Aero, would you please orbit a little bit higher because we, we have a, we're having a real hard time listening to each other's traffic on the radio, over the radio. So eventually Aero goes, hey, give us a couple minutes and we'll, we'll start making our way up. While I

was talking to them, I look up, I saw the news chopper up there. You know, I told them, hey, you know, be advised Code 20 above is our Aero unit, so everybody's, you know, is on the same page. So, and that's pretty much.

Aguilera: At some point, deputies get evacuated out of there. Were you there for that?

Shue: Yes, I was.

Aguilera: What happened, how did that take place?

Shue: So we, myself, Deputy Long, I'm sorry, Sergeant Long and Deputy Botten, we, we left the parking lot, we retreat towards the entrance of, towards the east of us, which is the entrance to the K-Mart Shopping Center. And quickly a plan was formed, I saw a unit pull up, turned out to be it was Deputy Jackson who was working unit 58 covering the city of Duarte. He showed up with a unit, with Deputy Cardenas in the front seat, they came towards us and we pretty much used that vehicle as our rescue vehicle to go into the, back into the station lobby parking lot area. Myself, with several other deputies and detectives, we went down there, and I believe Deputy Botten had a shield and him, him, I think it was him, Sergeant Long and Deputy Mario Garcia were the ones that actually left their radio car for brief moments to go in there to rescue Deputy Inthavong was trapped on the west side of the parking lot behind the tall truck.

Aguilera: When you heard the first series of shots fired?

Shue: Yes, sir.

Aguilera: I believe you said it was Inthavong that was firing?

Shue: Correct.

Aguilera: Where were you standing at when he was firing?

Shue: I was standing pretty much behind Sergeant Long and Deputy Botten close somewhere to that white vehicle, pretty much I was in the middle parking lot, I have nowhere.

Aguilera: And so you were kind of southeast of the truck?

Shue: That is correct.

Aguilera: Of the suspect's truck?

Shue: That's correct.

Aguilera: Where was Inthavong standing when he was firing?

Shue: At that point, I think he was pretty close to the blue truck.

Aguilera: The suspect's vehicle?

Shue: Belonging to the su-, yes.

Aguilera: On the passenger side or driver's side?

Shue: Passenger side, I want to say.

Aguilera: And was Inthavong the only one firing at that point?

Shue: Yes.

Aguilera: But, but, prior to that, you heard somebody say shoot?

Shue: Yes.

Aguilera: And do you know who said that?

Shue: I don't kn-, I didn't, I did not know at the time but later on I found out it was from Sergeant Long.

Aguilera: And do you know, do you know why or what the reason was why Sergeant Long said shoot?

Shue: Well, because, from what I understood was that the suspect, you know, obviously opened a car door and then he reach in, and Botten later on had told me that he saw from his angle that there had been some kind of a manipulation of something with a long gun barrel, so.

Aguilera: So Botten said that he saw the barrel of a gun? Did he ever make that announcement out there at the time?

Shue: I, if he did, I didn't hear it.

Aguilera: And you said that the helicopter above you guys at the time and, and Inthavong's firing rounds?

Shue: Uh-huh (AFFIRMATIVE).

Aguilera: You're kind of southeast of the, of the car?

Shue: Right.

Aguilera: And then do you ever see or hear the suspect fire a round?

Shue: I hear one or two rounds that were kind of, it sounded different.

Aguilera: Uh-huh (AFFIRMATIVE).

Shue: You know, I suspect that was fired by that suspect. Later on, I was told that there was shots fired from the, by the suspect, but there were a couple gunshots did not sound like coming from, you know, our vantage point.

Aguilera: Uh-huh (AFFIRMATIVE).

Shue: So I'm assuming that was ca-, that came from the suspect.

Aguilera: Different gunshots?

Shue: Yeah.

Aguilera: And it was either one or two shots, you think?

Shue: Yes.

Aguilera: Did you see it or just heard it?

Shue: No, I did not see it because I, I was on the, pretty much on the ground by that point in time.

Aguilera: And you were taking cover behind a planter at that time?

Shue: Yes, sir.

Aguilera: And that was the planter at the far east side?

Shue: From the, yeah, the driveway pretty much, yes, sir.

Aguilera: Right. So the, the...

Shue: On the east side ramp coming down to...

Aguilera: ...the ramp?

Shue: Yeah, exactly.

Aguilera: And in front of you...

Shue: Uh-huh (AFFIRMATIVE).

Aguilera: ...to the west of you was Sergeant Long and Botten?

Shue: Correct.

Aguilera: Did you ever see Botten fire rounds?

Shue: I did not.

Aguilera: And but you never saw the gun you said, correct?

Shue: I'm sorry?

Aguilera: You never saw the gun of the suspect?

Shue: No, I did not.

Aguilera: And you never s-...

Shue: Not from my area.

Aguilera: And you never saw the suspect shoot. What's the closest you got to the suspect's vehicle?

Shue: Oh gee, I would s-, I, I honestly can't tell you the distance.

Aguilera: And then you said there was a second series of shots fired.

Shue: Uh-huh (AFFIRMATIVE).

Aguilera: And that was coming from Vance?

Shue: That is correct.

Aguilera: And you said that was from behind you?

Shue: Where I was, if I look to my left, that's where he was.

Aguilera: Were you still standing towards the middle of the parking lot or were...?

Shue: No.

Aguilera: Behind the white...?

Shue: At that, by that point, I already started, I already took cover on the ground.

Aguilera: So you were nowhere near Vance...

Shue: Right.

Aguilera: ...at that point?

Shue: No.

Aguilera: Do you have anything?

Boisvert: No, I'm good.

Aguilera: Sarge, do you have anything?

Valle: I do not.

Aguilera: Sherry, anything?

Lawrence: No.

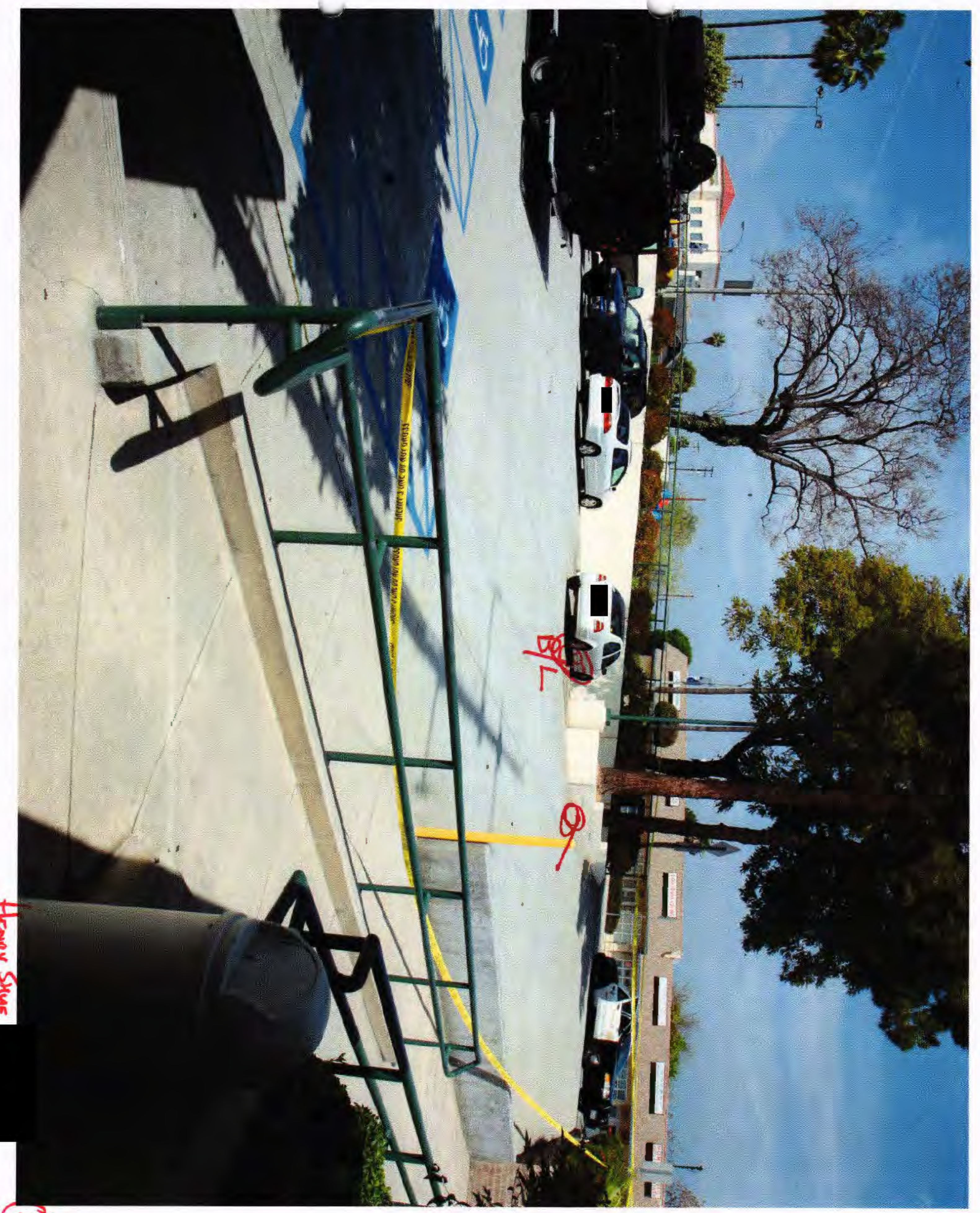
Aguilera: Do you have anything else to add?

Shue: No, I don't.

Aguilera: It's approximately 1612 hours. We'll go off tape.

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INVOLVED EMPLOYEES INTERVIEWS

INVOLOVED EMPLOYEE DEPUTY SCOTT INTHAVONG

SH 2423868

WITNESS INTERVIEW

SCOTT INTHAVONG

Valle: Today is September 11th, 2018. The time is 9:59 AM. My name is Sergeant Paul Valle, and this is Sergeant Israel Renteria of the Internal Affairs Bureau, which is commanded by Captain Josie Woolum. Today we're going to be interviewing Deputy Scott Inthavong case number SH2423868. My last name is spelled V as in Victor A-L-L-E. And Sergeant Renteria?

Renteria: Sergeant Israel Renteria, R-E-N-T-E-R-I-A.

Valle: Scott, can you please spell your last name please?

Inthavong: I-N-T-H-A-V-O-N-G.

Valle: And Sherry?

Lawrence: L-A-W-R-E-N-C-E.

Valle: Thank you. Scott, before going on tape I presented you with an administrative rights force shooting investigation form. Did you have an opportunity to review that?

Inthavong: Yes.

Valle: I see you answered the two questions on top and dated and signed the bottom. Do you have any questions about the form before we continue?

Inthavong: No.

Valle: Before today's interview I sent, I'm not sure if I sent it directly to you, but I know I sent it to Sherry, your transcripts from your Homicide interview that occurred on March 20th, 2017. I see you have a copy in front of you. Did you have an opportunity to review those transcripts before todays' interview?

Inthavong: Yes.

Valle: Scott, so let's start off with the basic stuff. Give me a quick rundown of your work assignments throughout the Department and what year you got there.

Inthavong: [redacted]

[redacted] and currently from there I went to Temple Station December I want to say I've been there for about almost three years now.

Valle: Okay.

Inthavong: So.

Valle: So, this December will be about three years?

Inthavong: Yeah, it'll be three years.

Valle: So, you think you got there in December of 2015?

Inthavong: '15 probably.

Valle: Now, we're going to talk about the incident that occurred on March 20th, 2017. What was your assignment, if you recall, that day?

Inthavong: 55 for days.

Valle: And do you remember what your hours would have been?

Inthavong: [redacted].

Valle: And that day, I see today you're wearing a full Class A uniform. Were you wearing a similar uniform that morning?

Inthavong: Yes sir.

Valle: With a gun belt?

Inthavong: Yes sir.

Valle: Did you have a portable radio on that day?

Inthavong: Yes.

Valle: So, it sounds like you were already prepared for your shift when this incident occurred?

Inthavong: Yes.

Valle: Besides your firearm on your gun belt, did you have any other weapons or equipment on your person?

Inthavong: Such as baton, handcuffs.

Valle: What about an extra –

Inthavong: Taser.

Valle: Uh huh.

Inthavong: Radio.

Valle: Did you have a backup firearm?

Inthavong: Yes sir.

Valle: Do you remember what kind that was?

Inthavong: Five shot Smith and Wesson, two inch.

Valle: Like a little 640?

Inthavong: I don't know the model.

Valle: A little revolver though?

Inthavong: Yes sir.

Valle: A two inch, okay. And where did you carry that?

Inthavong: Front, left pocket.

Renteria: And how many magazines do you carry on your gun belt?

Inthavong: Two and one in the gun, so three.

Renteria: Three total?

Inthavong: Yes sir.

Valle: That morning were you in the briefing room being briefed before your shift?

Inthavong: Yes sir.

Valle: Can you tell me about anything that happened in the briefing room?

Inthavong: Deputy Vance, who was running the 290 registrants came into briefing.

Valle: Vance, is that spelled V as in Victor A-N-C-E?

Inthavong: Yes sir.

Valle: So, what did he do when he came into briefing?

Inthavong: He advised us that one of his registrants had an outstanding felony warrant and offered it to one of us who was in the briefing room. And I advised that I would take the warrant.

Valle: And so, what did you do after you were briefed about this warrant in the front lobby?

Inthavong: He advised that he would go with me so we can contact the individual of the warrant and attempt to arrest him for the warrant.

Valle: Do you remember who, were you by yourself with Deputy Vance?

Inthavong: Initially yes, but as the suspect was in the lobby. So, as we walked towards the lobby I bumped into the person who I was relieving, which was Botten. He's 55 earlies.

Valle: Okay.

Inthavong: And he asked where we were going and I advised him that we were just going to arrest someone for a warrant out in the lobby.

Valle: Anybody else that you can remember besides yourself, Botten, and that's B-O-T-T-E-N, and yourself?

Inthavong: I believe Sergeant Long advised us that he was going to come along with us.

Valle: Was Sergeant Long your supervisor?

Inthavong: Yes sir.

Valle: Do you know if he's a day shift supervisor?

Inthavong: Yes, he's the day shift –

Valle: Do you remember if Sergeant Long was in the briefing room when Vance came in with this information?

Inthavong: Yes sir.

Valle: So, you guys are walking towards the front of the lobby, I mean towards the front of the station to the lobby, is that correct?

Inthavong: Yes sir.

Valle: While you were walking, is anybody coming up with some type of a plan or any kind of like a quick plan of what to do, how to contact this individual?

Inthavong: Well, I was going to contact him because I said I would take it. Botten had a taser and I knew he had a taser, because he was full set up, because he was about to leave.

Valle: Uh huh.

Inthavong: Pretty much just contact him and detain him for the warrant.

Valle: But there wasn't like a quick like specifically assigning each individual what to do?

Inthavong: I don't remember, but yeah, I don't.

Valle: I see today you have the taser on your gun belt. Did you have it on that morning?

Inthavong: Yes sir.

Valle: And then you said you believed Deputy Botten also had a taser on his belt?

Inthavong: I believe so, yes sir.

Valle: So, did Deputy Vance give you a description of what this suspect looked like or what was, how were you going to be able to identify the suspect?

Inthavong: He gave me his name and he advised me that it was a male, White, wearing a cowboy hat.

Valle: Okay.

Inthavong: And he should be the only one individual in the lobby.

Valle: So, now you get to where the watch sergeant's office is. I'm sorry, the watch deputy's little window there. And then there's the door that goes to the lobby?

Inthavong: Yes sir.

Valle: Can you tell me what happens when you get to that point?

Inthavong: That's where I contacted Deputy Botten, because he was standing right there and about to leave.

Valle: Okay.

Inthavong: And I advised him that we were going to go take someone for the warrant.

Valle: So, tell me what happens.

Inthavong: He agreed to come out with us, with me and Deputy Vance. And when we walked out to the lobby, I saw three male Hispanics in the lobby.

Valle: Uh huh.

Inthavong: And no one wearing a cowboy hat.

Valle: Uh huh.

Inthavong: Matching the description. I looked out the door and saw a male, White, with a cowboy hat, with his foot propped up against the wall.

Valle: So, when you say you looked out the door, is that the front doors of the station?

Inthavong: Yes sir. I'm sorry.

Renteria: That's okay. Now, as he's giving you this information did he tell you what the warrant was for?

Inthavong: I don't recall. I just know he said it was a felony warrant.

Renteria: Okay.

Inthavong: And he had the warrant paperwork with him.

Renteria: Did you actually see it?

Inthavong: Yes sir.

Renteria: And –

Inthavong: And the name.

Renteria: Do you recall what it was for?

Inthavong: I don't recall, no.

Renteria: Did he give you any type of a history on the guy, like hey he has violent tendencies or he has this you know, he has any you know, weapons charges or anything like that?

Inthavong: No, he did advise us that when, or he advised me when he took his ID, his California Driver's License, a badge flipped out that said SWAT Security.

Renteria: Okay.

Inthavong: So, possibly, he was not searched at the time. So, just be aware of it. But other than that, no, I mean nothing.

Valle: Did, did Deputy Vance offer up any other information other than that he had a SWAT badge? Did he give you any kind of like a heads up?

Inthavong: As opposed to if there was any weapons that the individual possessed?

Valle: Something like that.

Inthavong: No.

Valle: What about you, what did that tell you? When Deputy Vance told you that this individual, the suspect in the lobby had a badge that had SWAT on it, what did that tell you, in your mind?

Inthavong: He possibly may have a firearm or any type of weapon for security.

Valle: I'm going to show you a photograph. And I'm, I'm getting the impression first of all, was this individual you saw standing near the door propped, his foot propped up on the wall, was he inside the station or outside of the station?

Inthavong: Outside.

Valle: I'm going to show you a photograph. It looks like it's the, do you recognize that photo?

Inthavong: Yes sir.

Valle: It's the front doors of the station, correct?

Inthavong: Yes sir.

Valle: And it looks like it's facing south?

Inthavong: Yes sir.

Valle: So, is this a good depiction of where you saw the suspect standing?

Inthavong: Yes.

Valle: Can you tell me where?

Inthavong: About here.

Valle: I'm going to give you a, a red pen. If you can just draw an X where you saw the suspect standing when you first saw him. Okay, thank you. So, what was he doing when you saw him standing at the door?

Inthavong: He was propped, his back was propped up against the wall where I marked the X, with one leg up.

Valle: Okay.

Inthavong: Against the wall.

Valle: Now, these doors to the station, the front station, are they open or are they closed when you approach?

Inthavong: They're closed.

Valle: So, did you see him through the window in that position that as you described?

Inthavong: Yes sir.

Valle: What happened after you saw him through the window, and was standing near the station?

Inthavong: I exited the station to contact this individual.

Valle: Did it appear to you that your partners, I assume, just tell me who's with you in the lobby. You said yourself obviously.

Inthavong: Yes sir. I knew Vance, Deputy Vance was right behind me and Deputy Botten was walking behind him.

Valle: Are you, do you know if Sergeant Long is with you?

Inthavong: At that point, no.

Valle: Any other deputies?

Inthavong: No.

Valle: So, do you make any notification to your partners that you see the individual?

Inthavong: Yeah.

Valle: Tell me about that. What did you do, what did you say?

Inthavong: I advised them that that's him, so let's go talk to him. So, I made the attempt to go talk, contact the individual.

Valle: So, tell me what happens. Do you walk through the door to the outside?

Inthavong: Yes sir, I walked outside the door. I asked the individual, "Are you -." The named suspect in the warrant.

Valle: Uh huh.

Inthavong: He immediately put his foot down and began walking away, backing away from me.

Valle: So, when you had spoke to him, when you talked to him and asked him if he was the suspect, the name of the suspect I believe has been identified as Andrew Lane. Does that sound about right?

Inthavong: Yes sir.

Valle: So, you asked him if his name was Andrew Lane.

Inthavong: Yes sir.

Valle: Where are you standing when this interaction is occurring?

Inthavong: Maybe a foot away from him.

Valle: So, you make your way through the door and past the front entrance if you will, and standing next to him, next to the wall?

Inthavong: Yes sir.

Valle: So, tell me what happened, what's his, what's his demeanor like when you, when you ask him if, his name?

Inthavong: He immediately seemed cautious and when I approached him, he began walking away. I attempted to try and grab him immediately. He pulled his arm away from me and ran.

Valle: Tell me about that in more detail as far as like you try to, you try to grab him.

Inthavong: When, essentially, I tried to grab his, when I was talking to him I tried to grab one of his arms, because I saw a knife in his pocket already. So, I tried to grab that arm. He immediately pulled away and turned and ran towards the parking lot.

Valle: So, where did he run to?

Inthavong: West into the parking lot. West, north, northwest.

Renteria: Now, when you say that you tried to grab, do you remember what arm it was again?

Inthavong: His left arm.

Renteria: Left arm. Did you actually make contact with his left arm?

Inthavong: No.

Renteria: No. So, as you reach for it, that's when he pulled away?

Inthavong: He pulls away and turns, and runs.

Valle: So, are you guys standing face to face when you try to grab his left hand?

Inthavong: Yes.

Valle: So, you said he turns away from you and then runs?

Inthavong: Yes.

Valle: I'm going to show you another photograph. It's an aerial photograph in front of the station. Do you recognize that?

Inthavong: Yes sir.

Valle: So, this bunch of trees on the right side of the picture, is that the front of the station?

Inthavong: Yes.

Valle: So, can you use the red pen and just show, or use a dotted line, the path that this suspect ran, so we can get a better idea? Maybe hashes so I can see better. There you go. Okay. So, it looks like you're indicating that he ran to the northwest corner of the station?

Inthavong: Yes sir.

Valle: And it looks like a blue SUV backed into the north stall, is that correct?

Inthavong: Yes.

Valle: So, he turns around, he turns away from you and starts to run in that direction. What did you do?

Inthavong: Immediately ran right after him.

Valle: How far are you behind the suspect?

Inthavong: No more than five feet.

Valle: Okay.

Inthavong: Pretty close.

Valle: And this is at what time in the morning?

Inthavong: I want to say 7:30.

Valle: Did you notice any other, any other people in the parking lot?

Inthavong: I think there was a few construction workers in orange reflective suits or vests.

Valle: Uh huh.

Inthavong: They were in the parking lot working on something.

Valle: Can you show me where, you don't have to draw anything, but where in this picture do you remember seeing them?

Inthavong: Along the, right here, the dirt area.

Valle: So, you're indicating like in front of the north wall of the station, near the planters?

Inthavong: Yes.

Valle: And I think that's the secretary's pool?

Inthavong: Yes.

Valle: On the other side of those windows?

Inthavong: Yes.

Valle: So, when you began running after the suspect, do you know if your partners were with you?

Inthavong: No.

Valle: Did you give him any commands when you first made contact with him and when you were running?

Inthavong: I said, "Stop running." The next commands were when he was at the door.

Valle: The door of his SUV?

Inthavong: Yes.

Valle: About how long do you think it took to get from where the position that he started from to where he stopped?

Inthavong: Seconds.

Valle: Were you able to broadcast on your radio that you were chasing this person?

Inthavong: No.

Valle: Why not?

Inthavong: It happened so quick, I just chased him.

Valle: And again, you didn't know whether your partners were behind you or not?

Inthavong: At that time, I knew they were behind me when I went through the door. I didn't know where they were after I chased him.

Valle: Okay.

Renteria: Did you hear any of them like yell at him for him to stop or?

Inthavong: No.

Renteria: As he's running away from you towards the SUV, was he reaching for anything or was it just a full-on sprint towards like let's say his pockets or anything like that, was it –

Inthavong: It was a full-on sprint to the car.

Renteria: Like he was reaching for the knife that you saw and, in his pocket?

Inthavong: No, at that point no, because when he was running he immediately took off, at some point he took off the hat and turned and threw it towards my direction. He didn't hit me with the hat, but he was on full on sprint at that point and I was just chasing him.

Renteria: Okay.

Valle: You drew the path that the suspect took with these red dotted lines or hash marks. Is that the same path that you took or did you take another path?

Inthavong: I took the same path.

Valle: Were, did you have your gun drawn at the time that he, he was running away from you?

Inthavong: No.

Valle: Did you have your taser out?

Inthavong: No.

Valle: Do you recall anyone yelling out, "Taze him, taze him.", and that's a quote?

Inthavong: I don't recall that.

Valle: Did you say that word or did you say that command, taze him, taze him?

Inthavong: No.

Valle: So, once the suspect got to the, I think you have identified it as the passenger side of the vehicle.

Inthavong: Yes sir.

Valle: What did he do?

Inthavong: He went to the rear passenger door and opened it.

Valle: Was it fluid, was it immediate, was he struggling with it or?

Inthavong: No, he immediately opened the door.

Valle: So, it wasn't like he was struggling to unlock it. He was –

Inthavong: No, it seemed unlocked, because he just pulled the door and it opened.

Valle: Can you draw an X on this picture where he was standing, manipulating that door? Okay. Now, I assume eventually you close the gap, you stopped chasing him. Where did you stand or stop when you, when he got to that position? Okay, so, you're indicating like near the, the front passenger side wheel?

Inthavong: Near the engine block, yes.

Valle: Near the engine block, okay. When you were in that position, you had mentioned that the suspect already opened the door. What was he doing once he opened the door?

Inthavong: He was reaching for something.

Valle: Now, in this position that you're in, I assume the passenger, the rear passenger door is open?

Inthavong: Yes sir.

Valle: Can you clearly see what the suspect was doing?

Inthavong: No.

Valle: Was the driver's door, because this photograph actually shows the driver's door is open, the front passenger door is open. Is that the position that you, it was when you were standing there near the engine block?

Inthavong: No.

Valle: So, the only door that you saw open on the passenger side was the rear?

Inthavong: Yes sir.

Valle: So, the suspect is inside. Is he fully inside the vehicle or is he standing outside reaching in?

Inthavong: No, he was standing, reaching in.

Valle: Are you, at this point are you, do you have your gun drawn?

Inthavong: Yes sir.

Valle: Are you giving him any commands?

Inthavong: Yes.

Valle: What are you saying?

Inthavong: I told him, "Show me your hands." twice, and I assumed that my partners were near, and I started yelling out, "He's reaching for something." twice.

Valle: Uh huh.

Inthavong: And those were the commands I gave.

Valle: So, you, I think you said, "Show me your hands."?

Inthavong: Yes sir.

Valle: And then you informed your partners that he was reaching for something?

Inthavong: Yes sir.

Valle: Could you see what he was reaching for?

Inthavong: No.

Valle: Do you remember where in the car was he reaching, can you describe what part of the vehicle is he reaching?

Inthavong: He was reaching in the rear, rear seat, towards the lower area in the just back, backseat somewhere. He was just reaching for stuff.

Valle: Could you actually see what he was, well, I think you already answered the question. What he was reaching for?

Inthavong: No, I can't, no.

Valle: So, he's now reaching, actively reaching. You notify your partners he's reaching for something. What happens after that?

Inthavong: I saw him pull something up, a metal object, which I thought was as shotgun or a firearm. At that point I heard, "Gun." I don't know who yelled out gun, and then I believe Sergeant Long, I heard him say, "Shoot, shoot, shoot." And I began shooting anywhere from six to eight rounds I believe, towards his torso.

Renteria: So, as you're at the door right, and you say that he's reaching for something in like the backseat?

Inthavong: Yes sir.

Renteria: Did, were you able to see where, where Sergeant Long and Deputy Vance, and Botten were?

Inthavong: No.

Renteria: No?

Inthavong: No sir.

Renteria: Did you hear them while you're standing there, did you hear them yell anything, give any commands prior to you seeing anything in the suspect's hands?

Inthavong: No, because I was the closest to the suspect.

Renteria: Okay.

Inthavong: I assumed that they were behind me.

Renteria: Okay.

Inthavong: Yeah. So, I didn't know where they were at that time.

Renteria: Did the suspect say anything?

Inthavong: No. He didn't say anything.

Valle: So, let me back up to you said that before the shooting occurred, you said you saw a metal, something you believe like a metal object or something in his hand, and you believed it to be either a rifle or a shotgun.

Inthavong: Yes sir.

Valle: Where were you standing when you saw that?

Inthavong: I was standing exactly where I was.

Valle: Okay.

Inthavong: He had quite some time to play with whatever he was playing with. I couldn't really see anything, I could only see what was, the window was tinted and I could only see him through the, "V" of the window.

Valle: So, let me ask you what that meant. What does the V of the window mean to you?

Inthavong: When the door is open, the open window between the door and the body of the vehicle.

Valle: So, the window frame of the door and the frame of the vehicle in the open position?

Inthavong: Yes sir.

Valle: So, where was this metal object? Was it in his hands?

Inthavong: When he pulled it out, yes.

Valle: And where did you see that metal object? You were standing in the same position of the engine block?

Inthavong: Yes sir.

Valle: Did you see it through that V opening?

Inthavong: Yes.

Valle: So, he, did he bring it up to any level?

Inthavong: It appeared that he was bringing it out and up, but I still wasn't able to see, so.

Valle: And at that moment you believed it to be either a shotgun or a rifle?

Inthavong: Yes sir.

Valle: Did you have, you said you had an opportunity to review your transcripts on the day of the incident, correct?

Inthavong: Yes.

Valle: Did you notify, did you tell the Homicide investigators that you saw a metal object and you believed it to be either a shotgun or a rifle?

Inthavong: I believe I said it was a metal object.

Valle: Can you show me where that is?

Inthavong: I'm not sure if it was listed, but. It might have not been in the transcript, because I was looking it over, but I believe I told him that it was some type of object, but I couldn't see.

Valle: So, it would be on the audio recording then?

Inthavong: Yes.

Valle: On paragraph, I'm sorry, if you could turn to page 4, and it's about two thirds of the way down. It's one of the larger paragraphs that you had with your name. And if you can read that over. And let me know when you're done.

Inthavong: Yes sir.

Valle: So, in that paragraph do you think that you told the investigator, well, it doesn't say anything in here regarding about seeing a metal object. Is that correct?

Inthavong: Yeah.

Valle: Do you believe it was this paragraph or this part of the interview that you remember saying that you saw the metal object?

Inthavong: I don't know, but it's possible, yes sir.

Valle: But you did review your transcripts before today's interview?

Inthavong: Yes.

Valle: And you can confirm that nowhere in the transcript does it say that you saw a metal object that resembled a shotgun or a rifle?

Inthavong: Yes.

Valle: Okay.

Lawrence: I would point out that no details were asked about what he saw.

Valle: Correct.

Lawrence: Yeah.

Valle: So, you see this object in his hands and I believe you say somebody said, "Gun." Is that correct?

Inthavong: Yes sir.

Valle: Do you know who said that?

Inthavong: No, I don't recall.

Valle: Any other statements? And I think you said you heard somebody say, "Shoot, shoot, shoot." Do you know who that was?

Inthavong: I believe it was Sergeant Long, but I'm not sure.

Valle: But you do remember hearing those words?

Inthavong: Yes.

Valle: So, at what point did you begin to shoot?

Inthavong: When I heard, "Shoot, shoot, shoot." And someone saying that there was a gun.

Valle: And how, how, how many times do you think you shot initially? Was there like, was there a continuation of your, your, your shooting or was there a pause, like a reassessment type thing?

Inthavong: There was a pause.

Valle: So, the first time you shot, how many rounds do you think you shot?

Inthavong: Six to eight.

Valle: And what are you doing at the time you're shooting? In this first sequence.

Inthavong: At the first sequence I was just six to eight shots towards the where I had assumed his body was. I saw him jump head first into the backseat and my rounds closed the door, because they were shooting through the door or hitting the door. I saw him moving in the backseat, fumbling with whatever he was fumbling with. And then I began to back up. I remember I saw Deputy Vance or not Vance, I'm sorry. I saw two deputies run this way. It was eastbound in the parking lot.

Valle: Correct, uh huh.

Inthavong: As I backed up, I saw him still moving in the vehicle. So, I began firing into the vehicle, because I thought I didn't want him to shoot us.

Valle: Okay.

Inthavong: So, yeah.

Valle: So, are you shooting and staying in that position where you marked near the engine block or did you move?

Inthavong: After the initial shooting, I began moving, shooting into the vehicle.

Valle: Can you show me a path with a solid line, where you went and where did you end up staying. Okay. So, you, you moved towards the, you moved westbound.

Inthavong: Yes sir.

Valle: And it looks like in front of a large pick-up truck?

Inthavong: Yes sir.

Valle: Then is there a second volley that you, that you shot?

Inthavong: No, the second volley was me backing up.

Valle: So, the first volley is five to eight, you said six to eight shots?

Inthavong: Six to eight stationary.

Valle: And you're shooting stationary.

Inthavong: Uh huh.

Valle: And then your second volley, are you shooting while moving?

Inthavong: As I walked backwards, yes.

Valle: You're shooting while walking backwards?

Inthavong: Into the vehicle.

Valle: Are you shooting while walking backwards?

Inthavong: I believe so.

Valle: And where did you ultimately stay or when you finished walking westbound, where did you end up staying?

Inthavong: Right here.

Valle: So, let's back up a little bit. When you're near the engine block and you begin shooting, you said you saw deputies walking eastbound. Do you remember where they were before?

Inthavong: No.

Valle: You just remember deputies walking eastbound. It looks like across the backs of these two white vehicles?

Inthavong: They were running, yes.

Valle: They were running?

Inthavong: (Inaudible) initial (inaudible).

Valle: Now, you had said that from the standing position you were shooting into the vehicle.

Inthavong: Yes sir.

Valle: Did you have a target?

Inthavong: Yes.

Valle: What was your target?

Inthavong: Initially right here, in the first –

Valle: In the first volley, yes.

Inthavong: Yes. I knew where he was. He was standing right in front of me.

Valle: So, the initial volley is he's standing outside of the car?

Inthavong: Yes.

Valle: And so, what was your target?

Inthavong: His body.

Valle: Okay.

Inthavong: Well, through the vehicle, but –

Valle: Right.

Inthavong: I knew where he was.

Valle: So, at this point he's standing, I think you said he was standing outside of the vehicle like in the, between the door, open door and the frame of the car?

Inthavong: Yes sir.

Valle: So, you're shooting at him about five, six to eight times?

Inthavong: Yes sir.

Valle: In this position were you able to see the inside of the vehicle?

Inthavong: I blew out his back window with my rounds. I could just see him moving his body, possibly getting a, I don't know what he was doing, but he was moving.

Valle: Did you know if there was anybody else in the vehicle?

Inthavong: At that time, no.

Lawrence: At the time you didn't know or at the time there wasn't?

Inthavong: Oh, there was no one in the vehicle.

Valle: So, were you able to, and at some point you were able to look inside the vehicle and see that it's only the suspect?

Inthavong: Yes, because I was looking through the front window.

Valle: Okay.

Inthavong: Yeah.

Valle: And you said you believed it was Sergeant Long that was yelling, "Shoot, shoot, shoot." Do you know where Sergeant Long was?

Inthavong: No.

Valle: I know you initially said you shot six to eight times and in front of the vehicle, while standing in front of the vehicle, and then you continued shooting while moving westbound towards the front of the pickup truck. Do you know how many times total you shot?

Inthavong: Nineteen.

Valle: And I think during the interview there was a count of your rounds and it looked like, it was believed that you had unloaded your magazine.

Inthavong: Yes sir.

Valle: Where, obviously did you do a magazine exchange at any time?

Inthavong: Yes.

Valle: Can you tell me where you did your magazine exchange?

Inthavong: I went empty at the front of the truck.

Valle: Okay.

Lawrence: Can we take a minute break?

Valle: Yes.

Lawrence: I just want to get him some Kleenex. Poor guy. It's warm in here. I was sweating.

Valle: Is it?

Lawrence: Yeah. I can just get some from the (inaudible) right?

Valle: Let me take a quick break. The time is 10:32. Okay, we're back on tape. We took a short break. It's 10:34 AM. Okay, Scott, we were talking about your magazine exchange. So, after you conducted a magazine exchange and can you just clarify where that occurred?

Inthavong: In the front of the truck.

Valle: Okay.

Inthavong: Of what is it, a truck just west of the suspect's truck.

Valle: Uh huh. It's like a gray, large pickup truck.

Inthavong: Yes sir.

Valle: I'm going to show you a photograph and it looks like it's got some crime scene markers. And it looks like it's at the very top of the page. It has a front of the pickup truck and it looks like indicator 31 is identified in there. And then here's the close up of number 31. Is that, do you believe that's your magazine?

Inthavong: Yes sir.

Valle: And is that the position that you believe you dropped your magazine and then reloaded with a fresh mag?

Inthavong: Yes.

Valle: After you loaded a fresh magazine, was it fully loaded?

Inthavong: It was loaded with eighteen –

Valle: Okay.

Inthavong: (Inaudible).

Valle: When, did you have another volley after that?

Inthavong: No.

Valle: After the magazine exchange?

Inthavong: No.

Valle: So, it was two volleys. Six to eight the first, and then while you were moving until you unloaded?

Inthavong: Yes.

Valle: So, when you were shooting the second volley, you're moving towards I assume this is going to be better cover for you?

Inthavong: Yes.

Valle: When you're walking backwards towards this vehicle, do you see your partners at this point?

Inthavong: No.

Valle: And when you're walking backwards, what is your target when you're shooting back, when you're walking towards the front of the truck?

Inthavong: Towards where I believe the suspect was. Just to keep his head down. I didn't want him to poke up at us and take a shot at us.

Valle: Do you hear any other gunfire other than yours?

Inthavong: No.

Valle: Okay.

Inthavong: Not until I got to the truck.

Valle: What did you hear when you got to the truck?

Inthavong: I heard a loud boom and another volley of fire, shooting.

Valle: Could you describe this boom as anything different than what you heard from your gun?

Inthavong: It was louder. So, I knew it wasn't a pistol.

Valle: What did you think it was?

Inthavong: I thought it was a rifle or a shotgun.

Valle: You said that the, that your rounds you believe your rounds closed the door, the passenger, the rear passenger door. The windows were tinted. And you're moving backwards for cover while shooting. Were you able to see the suspect each time you shot your gun?

Inthavong: I could see him moving in the back, yes.

Valle: So, you saw just some type of movement?

Inthavong: Yes.

Valle: Can you tell me what that was?

Inthavong: I knew he jumped head first into the backseat and he, I could just see arms moving. But other than that I couldn't see him.

Renteria: So, when he jumped into the truck you said that you could see arms moving?

Inthavong: Through the front window and I could see possibly maybe legs moving through, because I shattered his rear window. So, I could see movement. I just don't know what it was.

Valle: So, you heard this loud boom and then another sequence of gun fire?

Inthavong: Yes.

Valle: Did you fire, well, no, never mind. How much time do you think lapsed between you heard the boom and the end of the other gunfire?

Inthavong: As opposed to when I got to the front of the truck or?

Valle: Well, you said you heard a boom.

Inthavong: When I got to the truck and I ducked, I heard the boom and another volley instantly, right after that boom.

Valle: How long do you think that volley after the boom lasted?

Inthavong: It was short, it was pretty quick. I don't know exact, but one or two seconds maybe.

Valle: After that one or two second volley, was there anymore gunfire that you heard?

Inthavong: No.

Valle: So, what happened after that, after you did a magazine exchange, you said you ducked behind the vehicle?

Inthavong: Yes sir.

Valle: And the end of volley, after the large boom, what happened after that?

Inthavong: I pretty much hunkered down there and I was waiting for that rear passenger door to open, maybe the suspect to step out.

Valle: Were you watching the door?

Inthavong: I was looking for feet. And under the, trying to see if I could see the door under the truck.

Valle: Oh, I see. So, you weren't standing over, looking over the vehicle, you were looking underneath the truck?

Inthavong: Yes.

Valle: So, at this point had you communicated with your partners at all?

Inthavong: I could hear I believe Deputy Botten yelling for me, and asking if I was good. But it was hard to hear.

Valle: Did you respond to Deputy Botten?

Inthavong: Yes. Afterwards. He got me on the radio.

Valle: Do you remember, well let me ask you, did you put anything out on your radio?

Inthavong: Yes.

Valle: And I see you have your radio mic on your front of your shirt. Is that the position that you believe you had it that morning?

Inthavong: Yes.

Valle: You said you put something on the radio. What did you put out?

Inthavong: I put 998 at Temple Station.

Valle: Do you remember when that occurred?

Inthavong: Immediately right when I got to the truck.

Valle: So, you think this was in somewhere in the middle of the volley of gunfire?

Inthavong: It's possible, but I did put it out.

Valle: And what happened after that? Did you communicate any further with SCC?

Inthavong: Yeah. I attempted continuously but I guess I kept on getting stepped on, or there was a lot of people talking, so.

Valle: Now, were they talking on the radio or talking over towards you, with their voices?

Inthavong: Voices and radio.

Valle: Okay.

Inthavong: Yes.

Valle: Now, you had mentioned that you had seen civilians on that planter, just near the planters near the north wall of the station. Did you see those civilians afterwards?

Inthavong: They were still there when I got, was reloading.

Valle: Okay.

Inthavong: When I told, I started waving them to go that way, towards the lobby or towards the exit of the driveway and I saw them run.

Valle: Now, now that it's kind of subsided, the gunfire has ended, did you see your partners?

Inthavong: No, I just saw Deputy Vance.

Valle: Where was Deputy Vance?

Inthavong: Behind a tree right here.

Valle: Can you do me a favor and just grab that pen and put a V in the area that you saw him. And that's, can you just put a circle around it with a V or put a V so I know that's – V. There you go...So, you saw him there?

Inthavong: Yes.

Valle: What did you see?

Inthavong: He was hiding behind the tree.

Valle: Did you see him fire his firearm?

Inthavong: No, no.

Valle: What was he doing there? Did he have his gun out, was he on the radio? What was he doing?

Inthavong: I believe he had his gun out, but he was looking into the vehicle.

Valle: Okay.

Inthavong: Or at the direction of the vehicle.

Valle: So, at some point we determined that there was a loud boom, there was a small, short burst of gunfire. You were hunkering down behind the vehicle, keeping an eye on the suspect's vehicle at ground level.

Inthavong: Yes sir.

Valle: What happened after that?

Inthavong: I believe they were trying to formulate a plan to get me out.

Valle: So, how did that happen or what happened? Tell me about that.

Inthavong: We were debating if I should get a better position, if I should just run towards the Prius and make my way out. But they determined that wasn't a good idea. So, they got a unit with ballistic panels and they came through the parking lot and got me out.

Valle: So, they drove a patrol car through the front driveway and then made their way westbound?

Inthavong: Yes sir.

Valle: At what point, I know there was two Sheriff's, those SEB vehicles in the middle of the picture. Where do you think the radio car drove up to, to get you out of behind cover?

Inthavong: There was actually cones over here.

Valle: Okay.

Inthavong: So, the unit actually stopped probably around this area.

Valle: Okay.

Inthavong: And three deputies with a shield came to get me out.

Valle: So, they walked on foot towards you with shields?

Inthavong: Yes.

Valle: And then you walked with the deputies back to the patrol car?

Inthavong: Yes.

Valle: And then what happened after that?

Inthavong: And we backed up and got Deputy Vance out of there as well.

Valle: Okay.

Inthavong: And the we basically exited the parking lot.

Valle: Where did you go after you exited the parking lot?

Inthavong: They made us go to the K-Mart parking lot, around this area.

Valle: Around the east side of the property, of, were you on the other side of the wall?

Inthavong: Yes.

Valle: The dividing wall? Okay.

Inthavong: Yes.

Renteria: And who stayed there as you were moved over to the other side of the wall, over by I believe you said the parking lot?

Inthavong: Who stayed at the entrance of the parking lot?

Renteria: Yeah, because now did, because nobody went up to see what happened with the suspect, correct?

Inthavong: No.

Renteria: So, who stayed there like kind of like in a tactical position, keeping an eye on –

Inthavong: There was multiple units in the parking lot with their, covering us, but I don't know who was there. There was a lot of deputies at that point.

Renteria: Okay.

Inthavong: After that, after they pulled us out we pretty much didn't get to see anything, but they made us go to the, behind the wall of the, what was it, K-Mart?

Valle: We're going to kind of just rewind here, back to the position where you first were before the shooting occurred.

Inthavong: Uh huh.

Valle: Did you see any actions the suspect did before you shot, that would make you feel threatened?

Inthavong: Yes.

Valle: What were they?

Inthavong: His, if he was just going to run away, I mean he would just run away. And get into the driver's side of the vehicle. He ran past the driver's side to his rear passenger door. That made me feel like he wasn't trying to get away, but he was getting something to hurt me or my partners. When I gave him commands, he didn't listen to them and he was proceeding to get whatever he was getting to, in my opinion, to hurt me or my partners. And that just led up to everything else.

Valle: What was your state of mind at the time before you began to shoot? What were you feeling at the moment you were, right before you were about to shoot.

Inthavong: I was scared. I didn't know what he had at the time. I was close enough to where he, if he wanted to do something or if he had something, he could have hurt me. He would have had the drop on me if he had anything ready. He would have had the drop on me, yeah.

Valle: And so, how many feet do you think you were standing away from him when he's reaching into that car?

Inthavong: No more than five feet.

Valle: And as far as you could tell, you were by yourself, in other words, in that position?

Inthavong: In where I was?

Valle: Where you were at.

Inthavong: On that side of the vehicle, yeah.

Valle: Okay.

Inthavong: Yeah.

Valle: Your transcripts, if you can go to page 13. And if you could just read from the point where it says; yes sir. And then read the question, your response up to around here. That's fine, just this area.

Inthavong: Okay.

Valle: So, I want you to clarify this statement. Specifically, the portion where the detective asked you; what is your intention for firing, what was your intention for firing at the suspect. And you said in this paragraph, your response that you couldn't see what he had. He would have had an advantage, because we couldn't see inside the vehicle.

Inthavong: Initially when he got to the vehicle, yes.

Valle: So, can you clarify that answer, that response?

Inthavong: I believe all of his windows were tinted. It was really hard to see inside the vehicle. When he got to his rear passenger side, like I said, I wasn't able to see what he was doing, because his windows were so tinted and he wasn't listening to any of our commands, or my commands, I'm sorry. My intent was to stop the threat and hopefully him not injuring us, me or my partners.

Valle: Uh huh. And then in this portion when the detective asks you is it your intention for firing, did you mention to him that you saw a metal object in his hand resembling a shotgun or a rifle?

Inthavong: I want to say it was a metal object. I don't recall if I did say firearm or not.

Valle: That's today, you're saying that today right?

Inthavong: Yeah.

Valle: But I'm saying when the Detective Aguilar is asking you what your intention for firing at the suspect were, did you tell him that you saw a metal object in his hand, and believing it to be a shotgun or a rifle?

Inthavong: I want to say yes, but I don't recall.

Valle: But it's not in the transcripts here?

Inthavong: No.

Valle: And then he, he responded, or he asked you the question; and then coupled with the fact that you saw him actually reaching for something as well, and then you said; yes sir. So, it sounds like the reasons for you, your intentions for firing was also because the fact that he was reaching for something and you couldn't see his, you couldn't see what he was reaching for?

Inthavong: Yes.

Valle: I'm going to ask you some other questions that are, I think we're repeating this but this is kind of like we're wrapping it up. We've identified where you were standing at the first volley. So, let's talk about the first volley. Did you have cover and concealment at that point?

Inthavong: No.

Valle: And I believe you had said you were about five feet away from the suspect at the time of the first volley?

Inthavong: Yes.

Valle: What were the lighting conditions at that point?

Inthavong: I think it was daylight. Maybe overcast.

Valle: And that was going to be my next question. What was the weather like? It was overcast and was it cool, was it hot, was it, if you remember.

Inthavong: I don't remember.

Valle: What about visibility? How was visibility at the time of that first volley?

Inthavong: It was clear.

Valle: Was there a crossfire situation in the position you held at that first volley?

Inthavong: No.

Valle: Did you see if any other deputies were in a crossfire situation?

Inthavong: No.

Valle: What was your shooting backdrop at the time of the first volley?

Inthavong: The vehicle and the wall.

Valle: The wall, can you tell me which wall you're referring to in this picture?

Inthavong: Behind the vehicle there's a, maybe I want to say approximately over six or seven feet wall. I guess that's towards the crosswalk, but I mean the vehicle is below the crosswalk.

Valle: So, it's like a white retaining wall that's behind the vehicle?

Inthavong: Yes.

Valle: So, that was your backdrop and plus the vehicle?

Inthavong: Yes.

Valle: Were you able to bring up your sights and acquire a target at that first volley?

Inthavong: Yes.

Valle: And what were you aiming at?

Inthavong: Towards where I believed the suspect was.

Valle: Could you see the suspect when you shot that first volley?

Inthavong: Yes.

Valle: And where was he at the time?

Inthavong: He was standing behind the door.

Valle: Now, this first volley, describe your rate of fire. Was it a quick succession, was it controlled, give me a description of that first rate of fire.

Inthavong: It was a quick six to eight rounds.

Valle: Okay.

Inthavong: Where he jumped into the backseat.

Valle: And can you describe your field of fire, everything in front of you and around you, in front of you, between you and the suspect.

Inthavong: Between me and the suspect was a door and the suspect, and then the back of the vehicle and the wall.

Valle: At the time of the first volley, did you give the suspect any commands?

Inthavong: The only commands were prior to the shooting.

Valle: Did you hear other deputies give the suspect any commands?

Inthavong: No.

Valle: So, now we're going to kind of repeat some of these questions but for the second volley when you were walking from the engine block to the front of the truck. So, now this is the second volley.

Inthavong: Yes sir.

Valle: Did you have cover and concealment while you were shooting your second volley?

Inthavong: When I was shooting I was trying to get to cover. That's why I went towards the truck, because that was the biggest thing I could get to. I didn't want to run across his front of the vehicle, because he would have been able to see me run.

Valle: Okay.

Inthavong: That's why I went towards the truck.

Valle: And you know, the exit you indicated at the front of the truck, did you continue shooting there or were you, did you only shoot while you were walking?

Inthavong: I'm pretty sure I went out at mid-point and then that's when I reloaded, when I ducked under the truck.

Valle: I guess I'm just trying to ask if you were shooting over the hood of the front of the truck?

Inthavong: No.

Valle: So, it was all in between –

Inthavong: Yes.

Valle: - the truck and the suspect's vehicle?

Inthavong: Yes.

Valle: Lighting conditions were the same, weather was the same. Visibility, was it the same on the second volley?

Inthavong: Yes.

Valle: During that second volley and you're walking back, was there a crossfire situation in that position?

Inthavong: No.

Valle: Did you see any other deputies that were in a crossfire situation?

Inthavong: No.

Valle: And what was your shooting backdrop during the second volley?

Inthavong: The door was closed. I was essentially shooting into the vehicle and the backdrop was the wall.

Valle: The same wall?

Inthavong: Yes sir.

Valle: And were you able to bring up your sights and acquire a target during that second volley?

Inthavong: Essentially, I was shooting towards where I believed he was in the backseat.

Valle: Were you able to bring up your targets? You know what I'm saying, when your targets, you bring your front sights and your rear sights, did you bring those together and –

Inthavong: Yes.

Valle: It wasn't like you were shooting from the hip?

Inthavong: No.

Valle: And during that second volley could you see the suspect when you shot?

Inthavong: Body parts, yes. Just him moving where I believed he was.

Valle: And again, was he, what part of the vehicle was he in?

Inthavong: The rear, rear I guess passenger seats of the vehicle.

Valle: And during the second volley can you describe your rate of fire?

Inthavong: It was a constant steady fire at that point, just to keep his head down and not pop up on us or pop up on me.

Valle: And how long do you think that second volley lasted for?

Inthavong: Seconds. I don't, I don't recall that. It was pretty quick.

Valle: And your field of fire during that second volley, things that are between you and in front of your area?

Inthavong: It was just the vehicle. The door at that point was closed. So, it was just the vehicle and the wall.

Valle: And I know you had said that you communicated with SCC at this part of the vehicle, when you're, when you were taking cover behind the vehicle, truck?

Inthavong: Yes.

Valle: Do you have any questions?

Renteria: No, not right now...now, as you're shooting and you're going backwards during the second volley, did the suspect ever pop his head up?

Inthavong: I couldn't see, no.

Renteria: No?

Inthavong: I wasn't able to see. I just knew he would, I could see him moving, I just didn't know what body parts were moving.

Renteria: Now, when you said that you could see him moving, like –

Inthavong: Because the window was shattered. I blew out the window, the rear, passenger window.

Renteria: Okay.

Inthavong: So, that may have been his foot.

Renteria: Okay.

Inthavong: Or his arms. But I could see body parts moving.

Renteria: Was he saying anything, was he screaming?

Inthavong: No, I couldn't hear anything.

Renteria: Nothing.

Valle: (Inaudible). I just wanted to get a photograph of the suspects' vehicle, on the passenger side. Because you said that you blew out his rear window. Which window are you talking about?

Inthavong: Rear, passenger window.

Valle: To the door?

Inthavong: To the door.

Valle: Because it's an SUV. There's a larger window in the back compartment area. Did that stay intact as far as you know?

Inthavong: I don't recall that. I just know that the rear passenger window was shattered by me.

Valle: So, when you said, when you were telling Sergeant Renteria that you saw movement, that was through that broken window that shattered?

Inthavong: Yes.

Valle: And so, you said you saw, I believe you said feet?

Inthavong: Yes sir.

Renteria: Did you ever see the object again, as he's moving in like the backseat, did he bring it up, did he –

Inthavong: No, I can't see.

Renteria: You never saw it again?

Inthavong: No.

Renteria: Okay.

Valle: You didn't write a report on this did you?

Inthavong: No. I don't think so, no.

Valle: And then just after the initial, after the shooting you were taken over to the parking lot and eventually you were taken to the station?

Inthavong: Yes sir.

Valle: I don't have anything further. Do you have anything?

Renteria: No.

Valle: We weren't there. Do you have anything else to add that we didn't ask that would clarify or to you know, give us a better understanding of what occurred that day?

Inthavong: No.

Valle: You have anything else to add?

Lawrence: No.

Valle: With that we're going to end the interview. The time is 11:01 AM. Thank you.

WITNESS INTERVIEW

DEPUTY SCOTT INTHAVONG

Aguilera: Today's date is March 20th, 2017. It's approximately 1416 hours. This is Detective Aguilera along with Detective Boisvert from Sheriff's Homicide and we're here in regards to a deputy involved shooting that occurred on today's date under Sheriff's File Number 017-03249-0522-013. Also present is attorney Sherry Lawrence from the law firm of Green and Shinee and she is representing Deputy Scott Inthavong from Temple Sheriff's Station and Deputy Inthavong, how long have you been assigned here at Temple Station?

Inthavong: Approximately, I believe, a year, year and a half.

Aguilera: And your working today, day shift?

Inthavong: Yes, sir.

Aguilera: And what unit were you assigned to?

Inthavong: 55.

Aguilera: 55 days?

Inthavong: Yes, sir.

Aguilera: And what were your hours for today?

Inthavong: It was [redacted].

Aguilera: And you are wearing what, a Class A uniform?

Inthavong: Yes, sir.

Aguilera: Complete with a Sheriff's badges. You have a badge on your chest, you've got your name tag on your right, your name plate on your right chest and you're wearing a full Sam Browne, correct?

Inthavong: Yes, sir.

Aguilera: And today, this morning, something drew your attention to something that was occurring in the lobby, is that correct?

Inthavong: Yes, sir.

Aguilera: Where were you at the time when you learned that there was some assistance needed in the lobby?

Inthavong: Deputy Vance came into our briefing, seven o'clock briefing and advised us that there a warrant, a felony warrant suspect in the lobby of the station and he offered one of us who wants to take it.

Aguilera: And he said there was a felony warrant suspect and asked who wanted to take it and then what happened?

Inthavong: Then I said I would and I proceeded to go to the front lobby, with, with....

Aguilera: And who did you go with?

Inthavong: With Deputy Vance and I bumped into Deputy Botten towards the entrance of the lobby from the station, the division between the station lobby.

Aguilera: What was that last name?

Inthavong: Botten.

Aguilera: How do you spell that? It is Botten with a B or V?

Inthavong: B.

Aguilera: Botten?

Inthavong: Yes, sir.

Aguilera: He's a deputy?

Inthavong: Yes, sir.

Aguilera: So you bumped into him before you exited the interior?

Inthavong: Yes, sir.

Aguilera: Station to go into the lobby?

Inthavong: Yes, sir.

Aguilera: So it was you, Vance, Botten, who else?

Inthavong: And I believe Sergeant Long came on the rear of us.

Aguilera: So the four of you...

Inthavong: Yes, sir.

Aguilera: ...walked that little hallway to go to the lobby.

Inthavong: Uh-huh (AFFIRMATIVE).

Aguilera: Does Vance lead you guys to where the suspect's at or what happens?

Inthavong: He told us, we can't see the lobby from where we were, so he told us that he should be in the lobby. We exited the station door and entered the lobby. He already gave us a brief description of what the individual looks like, a male white with a cowboy hat. We went into the lobby, did not see him in the lobby and we saw him right out the entrance door of the lobby.

Aguilera: And was he near the, the steps?

Inthavong: Yeah, he was on top of the steps by the star. Along the wall.

Aguilera: Then what happened?

Inthavong: We all exited the front lobby. I asked him if he was Mr. Lane, he said yes, what's this all about when he saw all of us. He immediately started backing up and he immediately ran towards his vehicle.

Aguilera: And his vehicle being what?

Inthavong: The blue Chevy.

Aguilera: So from the stairwell he ran kind of in a northwest direction?

Inthavong: Yes, sir. And during his run he took off his cowboy hat and I don't know if he just tried to distract me or something but he threw it towards me. I was right behind him when he was running.

Aguilera: You're running at this point behind him?

Inthavong: At this, at this point when he was running towards his car I was running right behind him. He immediately opened his rear, his vehicle was backed in. So the front of his vehicle was facing I believe southbound.

Aguilera: Right.

Inthavong: So he basically went to the passenger, rear passenger door and opened it. From that point on I demanded to see his hands and I basically pulled my gun on it on him and I said, "Show me your hands," twice. He didn't respond. I noticed that he was reaching for something inside the vehicle and I yelled out to my partners, "he's, he's reaching for something," something to the effect that he's grabbing something.

Aguilera: At this point how far are you from the car?

Inthavong: I was literally when he opened that door I was probably like where the engine block is. So I could see through the V of, of....

Aguilera: From the front windshield?

Inthavong: No when he opened his door I could see through his rear passenger V. So he was reaching for something. It was pretty dark because he has tinted windows.

Aguilera: He closed the door?

Inthavong: No he didn't. He left it open. I remember him going inside and fumbling with something.

Aguilera: Did you back off at that time or did you stand your position?

Inthavong: I was there. I basically 417'd him.

Aguilera: So you had your gun out?

Inthavong: I had my gun out and I basically kept on giving him commands, show me your hands, show me your hands. I heard gun and I heard Sergeant Long say shoot, shoot, shoot. So I immediately started shooting through the vehicle and then I proceeded to back up and I shot another round because I knew we were trying to get cover and he was still moving.

Aguilera: Who did you hear say gun, do you remember?

Inthavong: I'm not exactly sure.

Aguilera: So you heard gun, and then you heard Sergeant Long saying shoot?

Inthavong: Shoot.

Aguilera: Could you see what the suspect was doing at this point?

Inthavong: Not at the moment but I could see him still moving, 'cause he went head first into the vehicle.

Aguilera: So his head is now on the driver's side?

Inthavong: I believe closer to the driver's side, yeah.

Aguilera: And you said he was reaching for something?

Inthavong: Yes.

Aguilera: And where was he reaching at?

Inthavong: I couldn't tell. I just know it was near the backseat or towards the floor board of the backseat.

Aguilera: So he was reaching down somewhere?

Inthavong: Yeah.

Aguilera: And you could see this through the glass or through the opening of the passenger door?

Inthavong: No through the V and then once I started shooting it blasted out the back window. I, and then I started moving backwards to get cover.

Aguilera: At that point when you start shooting how far are you from the car?

Inthavong: Where I originally saw the engine block and then I started walking westbound.

Aguilera: As you're shooting?

Inthavong: Well, initially I started shooting and then I started backing up because I notice that my partners, Sergeant Long and Botten were going eastbound to get cover. And then I ran empty behind the F1, I believe the truck I just basically reloaded there and just held my position until help came.

Aguilera: So when you first shot you were on the passenger side, the front passenger side...

Inthavong: Yes, sir.

Aguilera: ...towards the engine block?

Inthavong: Yes, sir.

Aguilera: And you got off about how many rounds initially do you know?

Inthavong: Initially, I'm not exactly sure just a good probably five or six.

Aguilera: And then you started retreating westbound...

Inthavong: Yeah.

Aguilera: ...towards that gray truck?

Inthavong: Yeah, but he was still moving while I was shooting and so I wasn't sure if he was gonna point a firearm towards us or my partners so I just kept on shooting until he, I didn't see him move anymore and then I retreated behind the truck.

Aguilera: So you're continuing to shoot as your moving towards the truck...

Inthavong: Moving.

Aguilera: ...and do you empty out before you get to the truck or are you still shooting from the truck area?

Inthavong: No I, I emptied and then immediately I was towards the front of the truck and then I basically reloaded and tucked in behind the engine block.

Aguilera: On the passenger side of that gray truck?

Inthavong: Of the truck, yeah.

Aguilera: And behind you is that wall?

Inthavong: Yeah.

Aguilera: The retaining wall.

Inthavong: Yeah.

Aguilera: So that's when you reloaded?

Inthavong: Yeah.

Aguilera: Do you remember, remember where you dropped your mag at?

Inthavong: Near where I was hiding behind the truck.

Aguilera: And you said before we went on tape you said you carry how many rounds?

Inthavong: I carry 18 rounds plus one in the chamber.

Aguilera: So you carry 18 in the mag?

Inthavong: Yes, sir.

Aguilera: Plus one in the chamber, so you carry a total of 19?

Inthavong: Yes, sir.

Aguilera: And did you have it that way this, this morning?

Inthavong: Yes.

Aguilera: So you emptied it, 19 rounds total?

Inthavong: Yes, sir.

Aguilera: And then you reloaded?

Inthavong: Yes.

Aguilera: And then what happened?

Inthavong: And pretty much trying to communicate with my partners. They were trying to figure out where I was and, and to see if I was okay. I couldn't hear them because aero was so low. So eventually when I was able to hear them on the radio they told me to stay put. I was in a good position and if I were to move we don't know if the suspect was still alive or not.

Aguilera: Do you remember or do you know when aero got up above you guys?

Inthavong: I really don't remember. I heard them come but I, I don't know when they showed up.

Aguilera: So they told you to stay at your position?

Inthavong: No aero wanted me to get to a better position because I was pretty much trapped because I couldn't climb out...

Aguilera: Right.

Inthavong: ...of where I was.

Aguilera: Right.

Inthavong: And it was, yeah.

Aguilera: And then Sergeant Long and Botten, do you know where they were at this point?

Inthavong: I know that they were on the other side.

Aguilera: East side?

Inthavong: East, yeah, east side hiding behind some type of vehicle.

Aguilera: How about Vance? Do you know where he was at?

Inthavong: Vance was hiding behind a tree near the front.

Aguilera: So he was south of the suspect?

Inthavong: He was, yeah, south of the suspect.

Aguilera: Towards like the secretaries window?

Inthavong: Closer to the front door of the lobby.

Aguilera: So that's where Vance is at. Do you hear any more shots at this point?

Inthavong: I he-, when I was behind the truck I heard one, I believe, one shot. And then I heard a, I think I believe someone say is, he's shooting back at us.

Aguilera: And then what happened?

Inthavong: And then we were just trying, I believe, they were trying to get me out with the radio traffic. They were just trying to set up a plan. Aero was saying that if I was able to run towards the Prius and get in a better position and some of my other partners were just saying stay where you're at, we'll get you out there.

Aguilera: When you heard that shot and that, you think it came from within the truck?

Inthavong: Yeah.

Aguilera: You know that?

Inthavong: Yes, because it didn't sound like any of our weapons.

Aguilera: What did it sound like?

Inthavong: Sounded like a rifle round to me.

Aguilera: Louder?

Inthavong: Yeah, it was louder.

Aguilera: So when that round went off did you hear more deputy rounds going off at that time?

Inthavong: No.

Aguilera: Did you fire any rounds at that point?

Inthavong: No.

Aguilera: Do you think it was during the initial volley that you were guys were firing or do you think it was after?

Inthavong: I think it was after.

Aguilera: And then what happened after that?

Inthavong: Pretty much I guess they got a group of deputies. They rolled up with the SUV. I think Botten came up with a shield with two other deputies and they extracted me from the corner of the parking lot.

Aguilera: So a radio car came up?

Inthavong: Yes, sir.

Aguilera: And then somebody with a shield?

Inthavong: With two other deputies pointing at the suspect vehicle. They got close enough so I basically ran behind them and they took me out behind the SUV.

Aguilera: So you went behind the....

Inthavong: The shield which was Deputy Botten.

Aguilera: That was on the driver's side of the radio car?

Inthavong: No, they basically pulled the radio car probably where the cones were and then they proceeded with just the shield and two deputies and they walked up towards me and when it was cleared I pretty much just ran behind them, they got me out.

Aguilera: So you went from the shield to behind the car?

Inthavong: Yes, sir.

Aguilera: And then you left?

Inthavong: Yes.

Aguilera: And then, did you see what happened after that?

Inthavong: No.

Aguilera: Where did you go after that point?

Inthavong: Behind....

Aguilera: When you were evacuated from that area?

Inthavong: Behind the brick wall by, east of the station.

Aguilera: By K-Mart?

Inthavong: Yeah, just behind K-Mart.

Aguilera: And what happened at that point, where did you go?

Inthavong: After that we pretty much waited for detectives and then we were walked up here.

Aguilera: Now when you went in foot pursuit of the suspect, were you giving him any commands, saying anything to him? To stop or anything like that?

Inthavong: I told him to stop.

Aguilera: Was he saying anything back?

Inthavong: No.

Aguilera: How many times do you think you told him to stop?

Inthavong: Probably once.

Aguilera: You just said, "Stop!"

Inthavong: Yeah.

Aguilera: Was anybody else yelling at him at all?

Inthavong: No. When he got to his car, I think I was the only one yelling at him, like show me your hands.

Aguilera: So he gets to his car, to his truck via the rear passenger door?

Inthavong: Yes, sir.

Aguilera: It's a four door correct?

Inthavong: It's a four door, yes.

Aguilera: And it's got pretty dark tinted windows?

Inthavong: Yes, sir.

Aguilera: But you could see through the opening of the door?

Inthavong: When he opened the door, yeah. When he opened the V, I noticed that he immediately went inside and started grabbing something and when I noticed that I started yelling out to my partners he's, he's grabbing something. He's getting something.

Aguilera: And then you heard someone say gun?

Inthavong: I heard gun. And then I heard Sergeant Long say, "Shoot! Shoot! Shoot!"

Aguilera: And is that a matter of seconds?

Inthavong: Seconds, yeah.

Aguilera: From the point he got into the truck where the shots are being fired?

Inthavong: Yes, sir.

Aguilera: At that point do you hear him get off any rounds?

Inthavong: I don't recall that, no.

Aguilera: But he's somehow down, he's got his head towards the driver's side rear door and he's reaching for something down, you said in the, either behind the seats...

Inthavong: Yes, sir.

Aguilera: ...or the floor board?

Inthavong: Yes, sir.

Aguilera: And then you start firing?

Inthavong: Yes, sir.

Aguilera: And simultaneously are your partners firing?

Inthavong: I believe Botten was shooting but I don't think Sergeant Long shot.

Aguilera: Do you know where Botten was at the time?

Inthavong: He was towards the right of me. From when I shot he was at the driver's side.

Aguilera: You guys were kind of...

Inthavong: Kind of like a V.

Aguilera: ...like even?

Inthavong: Yes.

Aguilera: And he's on the driver's side. Do you see him retreat away also or are you too focused on what's going on with the suspect?

Inthavong: I was focused on what he was, going on so when I started shooting and we were all backing up, I noticed that they were trying to go west, east bound. So, and he was still moving so I was afraid that he was going to shoot at them, so.

Aguilera: And then you got out of there and you didn't see what happened after that?

Inthavong: No, sir.

Aguilera: When SEB arrived? And, and whatnot. Had you ever had any contact with the suspect before?

Inthavong: No, sir.

Aguilera: Had you heard anything prior to, did other than Vance tell you he had a warrant, did he give you any background on this guy?

Inthavong: Vance told us that he went while he was showing his ID I guess some type of badge showed up, or security badge or something and he said he possibly he might have a firearm, just be careful.

Aguilera: So Vance did tell you that he might be armed?

Inthavong: Yes, sir.

Aguilera: And when you heard your sergeant say shoot and prior to that you heard somebody say gun, your intentions for firing at the suspect were what?

Inthavong: I didn't want him to shoot at my partners or shoot at me 'cause he, I couldn't see what he had and he would have, he would have had an advantage because we couldn't see inside the vehicle.

Aguilera: And then coupled with the fact that you saw him actually reaching for something as well?

Inthavong: Yes, sir.

Aguilera: Now you said earlier you carry a 9 millimeter 92F Beretta?

Inthavong: Yes, sir.

Aguilera: Can you go ahead and take that out of your holster for me? And take out the magazine if you could and remove the round from the chamber. Okay and throw that on there and right now you have one round...

Inthavong: Us.

Aguilera: ...in the slide and how many rounds do you have in your magazine? You tactically reloaded though, correct?

Inthavong: Yeah. It was empty so it should be 18 in total.

Aguilera: Can you count how many rounds, just take them out individually put them in your hand and throw on the table and count out loud?

Inthavong: One, two, three, four, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 15, 16, 17 plus the one in the chamber.

Aguilera: So you have 18 total?

Inthavong: Yes.

Aguilera: So you had 17 in your mag and one in the chamber?

Inthavong: 18 in the, yeah.

Aguilera: Oh, I'm sorry 18 in the mag and one in the chamber.

Inthavong: But since it was empty, I reloaded and then…

Aguilera: Right.

Inthavong: …18 in the mag. New mag.

Aguilera: Now with your new mag you never got off any rounds after you reloaded?

Inthavong: No, sir.

Aguilera: And the way you're carrying this magazine is the way you carried the other magazine this morning? You had 18 in the magazine and one in the chamber?

Inthavong: Yes, sir.

Aguilera: And you emptied out all 19 correct?

Inthavong: Yes.

Aguilera: Fired all 19 I should say.

Inthavong: Yes, sir.

Aguilera: Can you go ahead and read us the serial number on your gun?

Inthavong: Boy, Edward, Rober[redacted]

Aguilera: And that's a 9 millimeter Beretta. You have a Sure Fire Light on there? Tactical light?

Inthavong: Yes, sir.

Aguilera: Anything else that you have addition too?

Inthavong: DG switch.

Aguilera: And DG switch?

Inthavong: Yeah.

Aguilera: That is a Sure Fire, correct?

Inthavong: Yes, sir.

Aguilera: Do you have any questions? Do you have any Sherry?

Lawrence: No, I don't.

Aguilera: Do you have anything else to add?

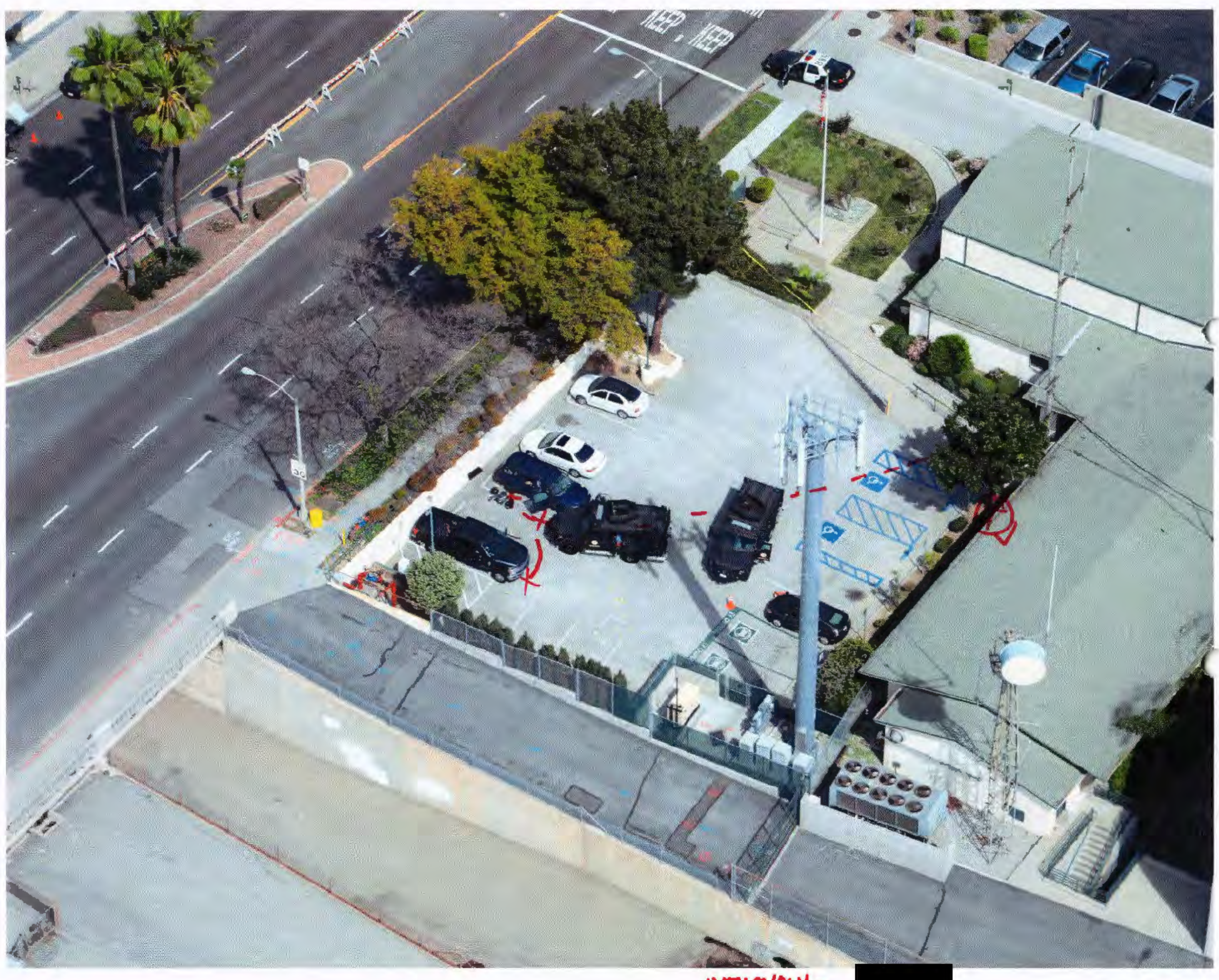
Inthavong: No, sir.

Aguilera: It's approximately 1433 hours we'll go off tape.

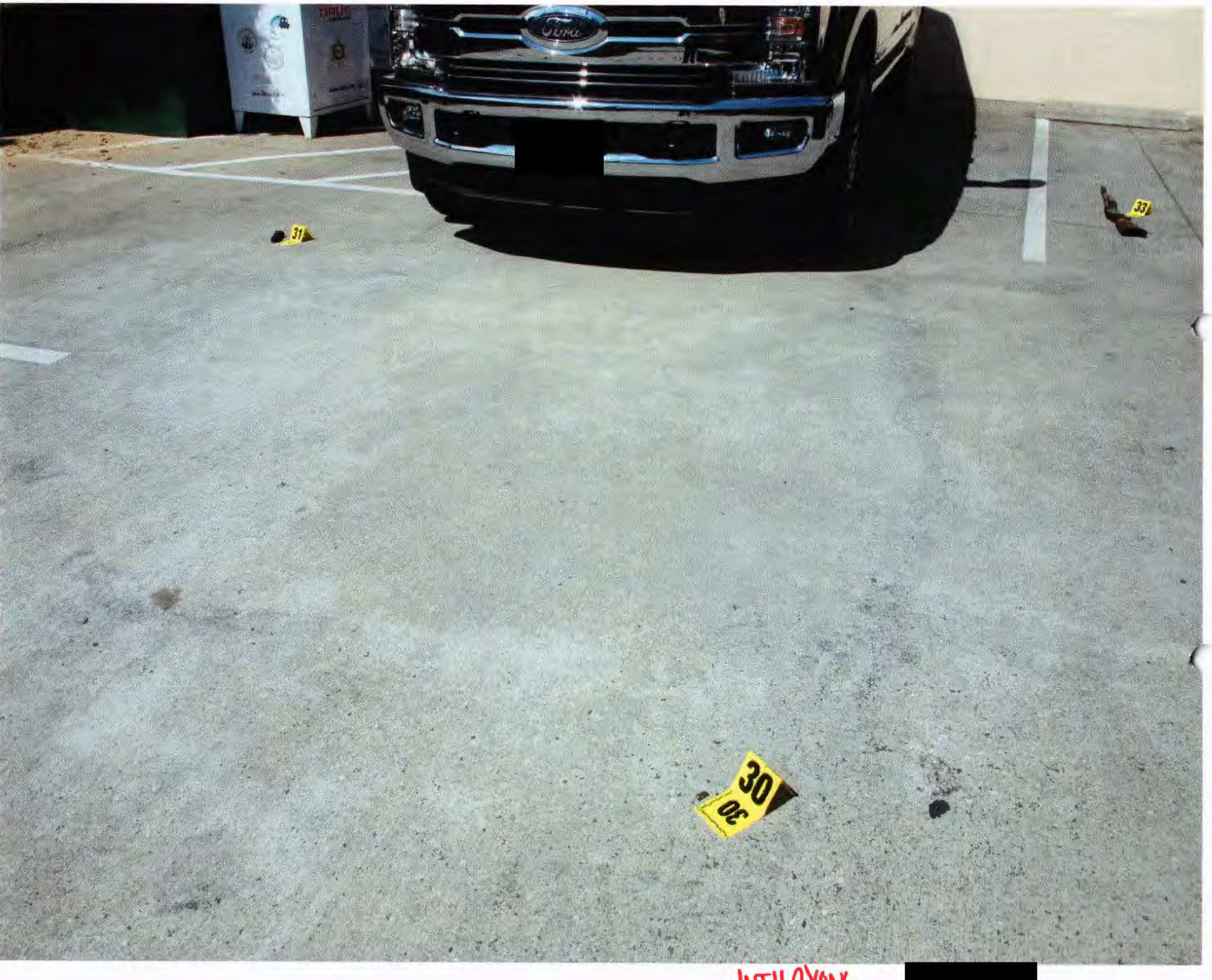
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INVOLVED EMPLOYEE DEPUTY NATHAN BOTTEN

WITNESS INTERVIEW

DEPUTY NATHAN BOTTEN

Valle: We are on tape. Today is October 17, 2018, and the time is 10:20 a.m. My name is Sergeant Paul Valle. This is Sergeant Israel Renteria of the Internal Affairs Bureau, which is commanded by Captain Josie Woolum. Today we're going to be speaking with Deputy Nathan Botten regarding a shooting investigation SH2423868. My last name is spelled V as in Victor-A-L-L-E.

Renteria: Sergeant Israel Renteria, R-E-N-T-E-R-I-A.

Valle: Nathan, can you please spell your last name.

Botten: B-O-T-T-E-N.

Valle: And Sherry.

Lawrence: L-A-W-R-E-N-C-E.

Valle: Thank you. Nathan, before going on tape, I presented you with an administrative rights form. Did you have an opportunity to review that?

Botten: Yes, I did.

Valle: I see you answered the two questions and dated and signed the bottom. Do you have any questions about the form before we continue?

Botten: No, I do not.

Valle: Okay. Before today's interview, I provided you with the copy of your transcripts from Homicide Bureau's interview with you back on March 20, 2017. Do you have a copy of that with you?

Lawrence: I have it.

Botten: Yes, I do.

Valle: Okay. Did you review those transcripts before today's interview?

Botten: Yes, I did.

Valle: Okay. If you need to review them or, you know, refer to them, by all means they're in front of you and you can use them.

Botten: Thank you.

Valle: Okay. So let's talk about your history on the Department. Just briefly, just tell me where you were and what year did you get to those units of assignment?

Botten: [redacted]. Then from there I went to Temple Station, went up there in November of 2014. I've been there ever since.

Valle: Okay. Are you currently working in a patrol assignment?

Botten: Yes, I am.

Valle: Okay. And just single-man car or are you a TO or --

Botten: Single-man car.

Valle: Okay. Okay, so obviously, we're talking about an incident, a shooting that occurred on March 20, 2017. Back then, do you remember what your assignment was?

Botten: Like my unit?

Valle: Your unit.

Botten: I worked 55 unit. I worked in South El Monte.

Valle: Okay. And what shift was that?

Botten: Early mornings from [redacted].

Valle: Was it [redacted].

Botten: Yeah, [redacted].

Valle: Okay, very good. That evening -- actually, it was the morning, so it was the end of your shift, that morning were you in full uniform?

Botten: Yes, I was.

Valle: Class A with a gun belt?

Botten: Yes, sir.

Valle: And did you have a portable radio on at that time?

Botten: I did.

Valle: Okay. And besides your firearm, your gun belt, did you have any other weapons or equipment on your person?

Botten: I believe I had a Sap and just what was on my gun belt.

Valle: Okay. Any other backup handgun or --

Botten: No, sir.

Valle: Okay. A taser?

Botten: No, sir.

Valle: Okay. So it sounds like, you know, your shift ended at [redacted]. How did you learn about the suspect who's been identified as Suspect Lane?

Botten: I was --

Valle: Let me ask all the questions and then -- that's okay. So that morning, how did you learn that Suspect Lane was in the lobby, the station lobby?

Botten: I was walking into the watch sergeant's office to hand in paperwork from the night before. I saw Deputy Inthavong speaking with Deputy Vance in the hallway right by the door leading to the lobby.

Valle: Okay.

Botten: This is maybe six or eight feet from the watch sergeant's office. I overheard them say that they were going to go hook a suspect in the lobby. I saw that Scott was by himself, sorry, Deputy Inthavong was by himself, and I don't like letting guys go out and do stuff on their own, so I was there. I told him, "Hey, I'll go with you." He agreed. And then

Deputy Vance kind of briefed us on everything that he had seen referring to the badge that was in the suspect's wallet, said SWAT Team or something to that effect, and that he may be armed.

Valle: Okay. Let me put you on pause there for a second.

Botten: Okay.

Valle: So they're at that door that leads from the watch deputy's desk into the lobby. Is that where you saw Deputy Vance? And let me spell that, V as in Victor-A-N-C-E, and Deputy Inthavong, let me spell that name, I-N-T-H-A-V as in Victor-O-N-G. Is that where you saw Deputy Vance and Inthavong?

Botten: Yes.

Valle: Okay. Was there anybody else that you saw there, any other sworn personnel?

Botten: Not at that time.

Valle: Okay. So you kind of joined in this conversation and Deputy Vance provides information about the suspect having a warrant?

Botten: Yes. He had a couple warrants.

Valle: Okay.

Botten: And I'm not sure what department. I think it might have been LAPD was also looking at him for running a child pornography website.

Valle: So he gave you information, though, that -- regarding this badge?

Botten: Yes.

Valle: Can you tell me more about that? What did he tell you?

Botten: He told me -- he said it looked almost like a -- not like our badge, the star, but more like a shield, like LAPD style.

Valle: Okay.

Botten: And that it said something to the effect of SWAT Team or something like that on it, and that's what he told me.

Valle: So what did that information give you? What did that tell you about the suspect, if anything?

Botten: Well, it made me question it just because him being a registrant, pretty sure that no department would have hired him, so it led me to believe that it might have either been stolen or he was using it to gain trust of children, so --

Valle: And did Deputy Vance give his opinion as far as whether the suspect may have been armed?

Botten: Yes, he did.

Valle: Can you tell me about that?

Botten: He said just based on him having that badge kind of led him to believe that he could possibly be armed.

Valle: Okay. Before you walked out -- I assume you walked into the lobby from that doorway you were referring to?

Botten: Yeah.

Renteria: Was it just you three or did anybody else join you at that point?

Botten: As -- well, kind of as we were going out, I saw Sergeant Long join us and then I later learned that Deputy Shue had joined us as well. I hadn't seen him at that point, thought.

Valle: But that was after the fact?

Botten: I realized that after the fact.

Valle: After, okay. So at that doorway when you -- before you're walking out or while you're walking out, was there any kind of a plan placed amongst you three deputies, maybe even possibly Sergeant Long, of how you were going to contact the suspect?

Botten: Yeah. Deputy Inthavong was going to be the contact person and we were kind of going to be his backup on it.

Valle: Okay. Okay. So tell me what happens when you walk into the lobby.

Botten: We -- Deputy Vance had given us the description of the guy. I believe he was wearing a white shirt and a black cowboy hat, about six foot or

so, white male. And as we walked out, I kind of expected him to be standing by the chairs that are put out there for people to sit in , but he was actually waiting outside the lobby on like the porch I guess you would call it next to the parking lot.

Valle: Okay. So he's outside the station doors?

Botten: Right.

Renteria: Okay. And quick, during this pre-planning stage, were certain roles designated?

Botten: As far as contact, yes. Deputy Inthavong was going to be the contact person.

Renteria: Okay.

Botten: And Vance was going to kind of lay back because he was in civilian clothes.

Renteria: Okay. And who designated these roles?

Botten: That was kind of discussed between Scott and I. Scott was going to be the one making the arrest --

Renteria: Okay.

Botten: -- so like, "Hey, you're contact, I got your back."

Renteria: Okay.

Botten: So that's how that was --

Renteria: Okay. Was there any discussion as far as like lethal, less lethal at that point?

Botten: No.

Renteria: Okay.

Valle: I'm going to show you a picture and it looks like it's a picture of the front of the station with the emblem on the wall Los Angeles County Sheriff's Department Temple Station. Would this be in an area that you saw the suspect outside the station when you walked into the lobby?

Botten: Leaning right here.

Valle: Could you do me a favor, just mark an x where you believe he was standing? Okay. So he was leaning -- you said leaning?

Botten: Yeah, he was leaning on the wall.

Valle: Okay. So tell me what happened when you saw him, what happened afterwards?

Botten: As soon as we exited the station to make contact with him, he immediately stood up off the wall, kind of pushed himself off the wall and stood up, and he immediately was defensive. He said something to the effect of "What is this about?" That's when Deputy Inthavong was like, "Hey, man, I need you to turn around and put your hands behind your back," and he kind of started shuffle-stepping towards the step and then that's when he took off across the parking lot, started running.

Valle: So you actually heard -- who spoke first, was it Deputy Inthavong or the suspect?

Botten: I believe it was the suspect.

Valle: Okay. So he kind of had some type of idea something was going on because deputies are approaching him?

Botten: Right.

Valle: And he -- and what did he say?

Botten: "What is this about?"

Valle: Okay. And then what did Deputy Inthavong say?

Botten: He told him that he needed him to turn around and put his hands behind his back.

Valle: Okay. And then you described that he started shuffle-stepping and then ultimately towards the parking lot. What happened after he shuffle-steps away from the deputies, from you guys?

Botten: He turned and started running towards the northwest corner of the parking lot.

Valle: Okay. I'm going to show you another picture.

Botten: Okay.

Valle: It's an aerial photograph of the front of the parking lot station, of Temple Station. Does that seem familiar to you?

Botten: Yeah.

Valle: Do you recognize that picture?

Botten: Absolutely.

Valle: Okay. So using the red pen, utilizing the red pen, can you show me -- that's a better picture, but -- no, wait. Well --

Botten: This is the wall. I can show you exactly --

Valle: Yeah. I think that would be better because I'm going to utilizes these cars.

Botten: Okay.

Valle: Okay. So yeah, can you show me the path that you saw the suspect by using the dotted line and the path that you took?

(PAUSE)

Botten: All the way to the car?

Valle: Whatever path that you saw this suspect run to.

Botten: I believe he went behind this car.

Valle: Okay. Okay. So Deputy Inthavong was the first person to make verbal contact, communication with him?

Botten: Right. Yes.

Valle: And you said the suspect ran in this path?

Botten: Yes.

Valle: Was he -- could you describe his pace that he was running?

Botten: It was -- to me it didn't seem like he was actually trying to like just spring out of there. It was almost like it was a game attack. Even at one point about halfway across the parking lot he took his hat off, turned around and threw it at Deputy Inthavong.

Valle: Okay.

Botten: So it was almost like a game to him.

Valle: Okay.

Botten: And then he went, I believe he went behind the truck. I can't remember if he went behind or in front of the truck. I saw him kind of making his way back. I didn't want him to get to the opening because I knew that the wall had the chain-link fence and he wasn't getting over that wall, so as he came back through, I was going to grab him, which ended up being between his vehicle, the blue SUV, and the white car that was right next to it.

Valle: So you described that the suspect took off his cowboy hat and threw it at Deputy Inthavong.

Botten: Yes.

Valle: How close to you think Deputy Inthavong was behind the suspect?

Botten: Five feet.

Valle: Okay. And where were you at that point?

Botten: Probably another five feet behind him.

Valle: Behind who?

Botten: Scott Inthavong.

Valle: Inthavong?

Botten: Deputy Inthavong.

Valle: And what about Deputy Vance, do you know if you saw him at that point?

Botten: He was still behind me.

Valle: Okay. And at that point was Shue -- did you notice Deputy Shue, and let me spell --

Botten: I did not notice Deputy Shue yet.

Valle: Okay.

Botten: Sergeant Long was approximately -- even with me on my right.

Valle: Okay. And let me spell Shue's last name, S-H-U-E. Okay, so if you were five feet behind him or ten feet, approximately ten feet behind the suspect, did you -- this path, did you follow him this entire path?

Botten: No.

Valle: Okay. So at what point did you break away, if you did?

Botten: When I saw him start going behind -- what I believed behind the truck --

Valle: The truck in the northwest corner?

Botten: The truck in the northwest corner, the large, I think it was an F250 or something like that --

Valle: Okay.

Botten: -- when I saw him going behind that, I felt that he was going to try and make it to the driveway --

Valle: Okay.

Botten: -- knowing that he couldn't get over the wall.

Valle: Okay.

Botten: I didn't realize that his car was the blue vehicle, so I was going to try and cut him off as he was going behind the vehicle on the north side of the parking lot. I was going to try and cut him off and detain him right there.

Valle: Can you do me a favor? Using a solid line show your path that you ran.

(PAUSE)

Valle: Okay. So you got to the driver's door of the blue SUV?

Botten: Uh-huh.

Valle: Okay. Was that a yes?

Botten: Yes, sir.

Valle: Okay.

Botten: Sorry.

Valle: That's okay. So what did you -- what happened or what did you notice the suspect do when he got to the wall in the northwest corner of the parking lot?

Botten: He started double-backing on the north side of the vehicles between the wall and the vehicles.

Valle: Okay. Where was Deputy Inthavong at this point when he got to his vehicle, the suspect's vehicle?

Botten: When he got to the vehicle?

Valle: When the suspect got to his vehicle, the blue SUV, did you see where --

Botten: He was east of the truck.

Valle: Which --

Botten: Kind of moving laterally with the suspect on the south side of the vehicles.

Valle: Okay. Okay, so now you stood your ground on the driver's side of the blue SUV.

Botten: After he got in the vehicle, that's where I stopped.

Valle: Okay. So let's back up to before he got in to the vehicle. What did he do before he got into the vehicle?

Botten: The last thing I remember him doing is going behind the truck and then he went straight for the back door --

Valle: Okay.

Botten: -- of his vehicle.

Renteria: Was the door already open?

Botten: No.

Renteria: So did you see him open it?

Botten: Yes.

Renteria: Okay.

Valle: Do you remember which door he opened?

Botten: The rear passenger.

Valle: Okay. Now, you're standing in front of the suspect's vehicle and the driver's side.

Botten: Approximately.

Valle: Approximately. What did you see him doing when he opened the door?

Botten: Get in.

Valle: Okay.

Botten: And at that point I knew in order for him to leave in the vehicle, he would have to get in the driver's seat.

Valle: Of course.

Botten: So I decided to occupy the driver's seat so that he could not.

Valle: How did you do that?

Botten: I opened the door and I leaned in putting my knee on the driver's seat.

Valle: Okay. So you open the --

Botten: Driver door.

Valle: The driver's door, okay.

Botten: Yes.

Valle: Okay. I'm going to show you another photograph. It looks like it's been identified as the suspect's blue SUV. So could you put an x with the red pen. Do you have a red pen?

Botten: Yeah.

Valle: Of where you were standing when you said you opened the door of the suspect's vehicle.

Botten: Right next to the car.

Valle: And at that point, where was Deputy Inthavong while you were standing at the door?

Botten: He was on the passenger side of the vehicle approximately even with me.

Valle: Of the suspect's vehicle?

Botten: Of the suspect's vehicle.

Valle: Okay. Is there a place in this photograph that you believe that he was standing or do I have to show you another one?

Botten: Yeah.

Valle: Where do you think he was standing?

Botten: Approximately right here.

Valle: Okay. Can you put and I for Inthavong and B, I'm sorry, yeah, B for Botten. Thank you. So now you see him get into the car. About how far away do you think Deputy Inthavong was from the suspect?

Botten: I didn't see where -- how far he was from the suspect when he got in because I was focusing on trying to keep him from leaving.

Valle: So you said you opened the driver's door, you -- what knee, do you remember, that you placed on the --

Botten: My left.

Valle: Your left knee on the --

Botten: Driver's seat.

Valle: -- driver's seat. Could you see into the vehicle at that point?

Botten: The windows were extremely tinted. It was very dark in the back seat. I could see some of his body, some of the light that was coming in from the door because the rear passenger door was still open, but I wasn't able to find his head or his hands, which was what made me nervous.

Valle: When you were leaning into the car, I mean, was your head in the car or was --

Botten: My body was in the car.

Valle: Okay. So you pretty much kneed your -- you were kneeling on the front seat?

Botten: Yes.

Valle: What about your right foot, where was that?

Botten: It was still on the ground outside the vehicle.

Valle: Okay. So could you articulate or could you see if the suspect was standing outside leaning in? Was he leaning across the seat?

Botten: He was leaning across the seat. The seat on his left side, his head would have been like facing to the east. So he's laying across this way, his head would have been on this side of the vehicle, his left side, so his chest is facing the front of the vehicle and facing east on his left side.

Valle: Okay. So at that -- he's basically facing you?

Botten: Yes.

Valle: Okay. Could you see his hands?

Botten: No.

Valle: Okay. What happened after that?

Botten: While I was in the vehicle, I was trying to find his hands. I was giving him orders to show me his hands.

Valle: Can you tell me what did you specifically say?

Botten: I said "Show me your hands."

Valle: Okay.

Botten: And I'm searching for his hands, his head, anything, and then I noticed on the floorboard the stock of what I believed to be a long gun, either a rifle or a shotgun.

Valle: Floorboard of which part of the vehicle?

Botten: The back seat, so behind the front seats on the floorboard in front of the back seat.

Valle: Okay.

Botten: And then I noticed that it was moving leading me to believe that he was manipulating it, attempt to recover it, pick it up in some way. I then heard Deputy Inthavong say he was reaching for something. He was reaching for something, and before I could say "gun" or anything, Deputy Inthavong opened fire into the vehicle.

Valle: Where were you at the point you started hearing gunfire?

Botten: In the vehicle still.

Valle: Okay. Go ahead.

Botten: At that point I started feeling shrapnel from glass or metal or whatever was breaking off of the vehicle from the bullets coming in. I felt it hitting me in the face. Didn't feel that that was the place to be anymore, so I got out of the vehicle and shut the door.

Valle: Okay.

Botten: And moved to the front driver's side corner of the vehicle.

Valle: Could you draw the path where you originally marked your x to where you positioned yourself.

(PAUSE)

Valle: So now you're saying that you're standing in front of the, I would say the front driver's side headlight?

Botten: Yeah.

Valle: You weren't dead center?

Botten: I wasn't dead center.

Valle: Okay. So you were near the --

Botten: I didn't to be directly in front.

Valle: Okay. So at any point, did this transition from either within the vehicle to the front of the vehicle, did you actually see Deputy Inthavong firing his gun?

Botten: I did not see it. I only heard it.

Valle: You only heard it, okay. So what happened when you moved to that position? Now you're in front of the vehicle.

Botten: I'm looking into the vehicle, and as I'm looking into the vehicle I could see the barrel of a long gun, still didn't know if it was a rifle or a shotgun, standing straight up between the driver and passenger seat.

Valle: Okay.

Botten: And it was kind of wiggling back and forth, almost like he was trying to bring it up, but it was stuck on something, so it was moving back and forth. I didn't see his head pop out from behind the driver's headrest. We made eye contact, and then the barrel of the gun, it seemed like he was bringing it up to point it at me.

Valle: Okay.

Botten: And that's when I fired my first rounds.

Valle: Okay.

Botten: Through the windshield.

Valle: So this observation that you saw, the -- you believed to be a long rile coming up, the wiggling, the eye contact you just described --

Botten: Yes.

Valle: -- where were you seeing that through?

Botten: The windshield.

Valle: The front windshield.

Botten: Yes.

Valle: Okay. And you described you started shooting your first rounds. Where did your first rounds go through?

Botten: My first rounds went through the windshield.

Valle: Okay. How many times do you think you fired at that point?

Botten: Three rounds.

Valle: Okay. What happened after that?

Botten: I heard groaning coming from the vehicle, lead me to believe that I hit him.

Valle: Okay.

Botten: I then moved to the vehicle next -- the white vehicle that was parked next to the suspect's vehicle so that I wouldn't be in the same place.

Valle: Okay.

Botten: And I could still see somewhat through the -- I stepped back a little bit as well. I could still see somewhat through the windshield and the driver's window.

Valle: Okay. Okay, at that point did you see where Deputy Inthavong was after you fired your gun?

Botten: He was approximately even with me in the opposite side of the suspect's vehicle.

Valle: Okay. So let's go back to the aerial photograph. And you had drew -- you drew your line to the driver's side of the vehicle.

Botten: Right.

Valle: That's where you had articulated you entered the vehicle partially.

Botten: Right.

Valle: Then you moved to the front headlight.

Botten: Right.

Valle: Could you draw that line that moved to the headlight again?

Botten: Solid line?

Valle: Yes, please.

(PAUSE)

Valle: Okay. And where was Deputy Inthavong standing at the time you began shooting through the windshield?

Botten: Over here.

Valle: Can you put a --

Botten: Like that.

Valle: You can put an I there. Thank you. Okay. When you were there at the front of the -- you know, firing through the window, was any other gunfire going on?

Botten: I did not hear an at that point.

Valle: Okay. And go ahead.

Botten: Then I heard Inthavong fire again --

Valle: Okay.

Botten: -- after I had fired, and that was after I -- well, after I fired I moved -- do you want me to draw that line as well?

Valle: You can draw another continuation of where you moved to, yes.

(PAUSE)

Valle: Okay.

Botten: And after I had moved, that's when Inthavong fired again.

Valle: Okay.

Botten: I don't know how many rounds . I wasn't counting his rounds.

Valle: Okay.

Botten: I then saw the barrel of the gun moving again and it looked like it was coming down in my direction again because I also had Sergeant Long basically right next to me.

Valle: Okay.

Botten: I felt that he was taking aim, I fired another three rounds.

Valle: Okay. Do you know where your rounds went at that point?

Botten: I believe through the driver's window and possibly the windshield. I didn't see all the impacts.

Valle: Okay. So you think it's the front driver's window --

Botten: Yes.

Valle: -- is where your second volley went through?

Botten: Yes.

Valle: Possibly the front windshield as well?

Botten: Right.

Valle: And you mentioned Sergeant Long. At what point did you realize that he was there with you?

Botten: After I had moved over to the white vehicle.

Valle: Okay. So when you --

Botten: While I was moving to the white vehicle, I was pushing him, telling him to get to cover.

Valle: So while you were leaning into the vehicle, was he -- you didn't realize he was there?

Botten: No, I didn't.

Valle: Okay. And it was only until you moved from the front of the vehicle towards the white vehicle?

Botten: Right.

Valle: Okay. Did you hear any commands that were being said, if any?

Botten: I know Scott was yelling at the guy to put the gun down. I was yelling at the guy to put the gun down. And were really the only two talking.

Valle: Okay. Did Sergeant Long say anything?

Botten: Honestly, I don't remember.

Valle: Do you remember if you heard anybody say "Shoot, shoot, shoot"?

Botten: I don't remember that.

Valle: Okay. So after this point, after you moved away a little eastward from the suspect's vehicle, what did you -- what happened next?

Botten: That was when I ended up seeing him bring the gun up again and I fired my second three rounds.

Valle: Okay.

Botten: And then almost immediately after that a round came out of the rear driver's side door window. I felt shrapnel from the glass hit me and I felt a round go past my head. And that's when I started --

Valle: I'm sorry to cut you off. Where were you standing when you felt that shrapnel and you heard that?

Botten: Right.

Valle: Can you just put a little x there? And then what happened after that, after you felt the shrapnel?

Botten: I pushed -- I started pushing Sergeant Long to the second vehicle east of the suspect vehicle.

Valle: Can you show me the path with a solid line where you went to?

(PAUSE)

Botten: I ended up right here at first.

Valle: Okay. Okay, so could you describe that -- did you actually see the window explode when doing that?

Botten: Yes.

Valle: What made you feel like there was a round or something coming --

Botten: I felt heat.

Valle: You felt heat?

Botten: Yeah.

Valle: Anything else or -- you said shrapnel.

Botten: Between the glass that was hitting me and the heat, that's what I felt.

Valle: Okay.

Botten: And the time that I was moving with Sergeant Long before I moved there, I last saw Inthavong move to the front end on the west side of the big truck that's on the west of the suspect vehicle.

Valle: Could you draw a path and then an I where he remained, where you saw him.

(PAUSE)

Valle: Okay, great.

Botten: Well, maybe a little deeper, but --

Valle: That's all right. Okay, so after that second volley that you shot into the car and then the glass that you felt and saw coming out of the driver's side of the vehicle --

Botten: Right.

Valle: -- was there anymore gunfire after that that you heard?

Botten: While I was moving with Sergeant Long to the east side of the second vehicle to the east of the suspect vehicle, I did hear several rounds.

Valle: Okay.

Botten: Who was firing I don't know.

Valle: Okay.

Botten: I was more worried about trying to get Sergeant Long and myself behind that vehicle.

Valle: Okay. Now after you got -- after you arrived to behind cover on the east side of the white vehicle, was there any other gunfire? Did you shoot again?

Botten: I did not. I actually ended up doing a tac reload.

Valle: Okay.

Botten: And put the partial mag in my pocket.

Valle: Okay. And from that point, did you -- were you able to see if Deputy Inthavong continued to fire?

Botten: No.

Valle: Okay. Did you notice any other deputies shooting at that point?

Botten: I didn't see any.

Valle: Okay. When you did your tactical reload and you were behind cover, did you hear any other additional gunfire?

Botten: No.

Valle: Okay. At any point from beginning to the very end, did you notice any civilians in the parking lot?

Botten: Yes. There were a couple, I don't know how many, but there were a couple civilians over in the, what is it, the electric car stuff. They're doing something over there, I don't know what.

Valle: Like the northeast, I'm sorry, the southwest corner of the parking lot?

Botten: Yes.

Valle: Okay. Do you remember how many --

Botten: I don't know how many --

Valle: Do you know what happened with those civilians?

Botten: I did at one point see that they were kind of being ushered into the station lobby.

Valle: All right. You didn't participate in that?

Botten: No, I did not.

Valle: You were focused on the suspect?

Botten: Right.

Valle: Okay. And the point you were either in the vehicle and you heard the gunfire starting from Deputy Inthavong, did you feel that there was a crossfire situation?

Botten: No.

Valle: Okay. How about when you exited the vehicle and stood at the front, did you think that there was another -- or a crossfire --

Botten: Not at all.

Valle: Not at all?

Botten: Because like I was saying, we stayed pretty much even with each other.

Valle: Parallel?

Botten: Pretty much parallel with each other the whole time. The only time I had any type of concern that there could have been potentially that the suspect had moved was when we were behind the car just because if the suspect went south, he would have been running between us.

Valle: Okay.

Botten: But he was always north of us. We were always parallel. There was no crossfire.

Valle: Okay. So let's go back to when you decided to go into the vehicle. What was the reason for you actually physically entering the vehicle?

Botten: Because by me being in the driver's seat, he couldn't be, and that was the only way he was going to leave in the vehicle.

Valle: Okay. Okay, and when you saw the butt of the gun near the floorboard, is that when you decided to exit?

Botten: No.

Valle: Okay.

Botten: I ended up exiting after Deputy Inthavong shot his first rounds.

Valle: Okay.

Botten: And getting hit with the shrapnel from the bullets coming into the vehicle. That's when I exited.

Valle: Did you draw your weapon before the shooting?

Botten: Yes.

Valle: Okay. At what point did you draw your weapon?

Botten: As I was approaching the suspect vehicle.

Valle: In the very beginning before the shooting began?

Botten: Yes.

Valle: Okay. And when you were in the vehicle, you were kneeling into the vehicle, was your gun drawn?

Botten: Yes.

Valle: Okay. You left-handed or right-handed?

Botten: Right-handed.

Valle: Okay. I'm going to review this. Do you have anything?

Renteria: So the main reason why you got into the -- why you opened the front door and you got into the driver's seat, why did you do that?

Botten: To keep the suspect from leaving because the only way he was going to be able to leave in that vehicle is if he got in the front seat. If I'm in the front seat he can't be, so there's no way he's leaving.

Renteria: Okay.

(PAUSE)

Valle: When the suspect was laying across, like you said, the back seat, was he saying anything to you?

Botten: No.

Valle: Were you telling him anything?

Botten: I was telling him to show me his hands.

Valle: Okay. Did you inform anybody, your fellow deputies or sergeant, that there were -- that you saw the stock of a rifle or a shotgun?

Lawrence: At the time?

Valle: At the time.

Botten: At that time? No.

Valle: Yes, okay.

Botten: Before I was able to put -- to say anything, Deputy Inthavong had shot.

Valle: Okay.

Botten: And at that point, I was trying to get out of there.

Valle: How about afterwards, after you exited, your first and second volley, at that point did you notify anybody you saw the gun?

Botten: I said "gun."

Valle: Okay. At what point?

Botten: When I saw the barrel of the gun moving between the headrest.

Valle: And that was when you were standing in front of the vehicle?

Botten: Yes.

Renteria: Did you hear Deputy Inthavong also say or yell out "gun"?

Botten: No.

Renteria: No?

Botten: He said he was reaching for something, but that's all he said.

Renteria: And you heard that when you were inside the vehicle?

Botten: Yes.

Renteria: Okay.

Valle: Okay, so let's go to your first volley, and I think you've articulated that you were standing at the front driver's side headlight looking through the windshield.

Botten: Yes.

Valle: What was your target?

Botten: His head.

Valle: You can see his head?

Botten: Yeah. We were looking at each other.

Valle: Okay. And you described that you made eye contact with -- describe -- I think you had said that you saw him near the headrest or --

Botten: His head came from behind the headrest like he had partially sat up.

Valle: So you saw him between the two front seats?

Botten: Yes.

Valle: I understand now, okay. So his head was your target?

Botten: Yes.

Valle: Okay. What was your state of mind at the time before you began to shoot?

Botten: Fear. I thought he was going to either shoot me or my partners or even somebody else that was out there.

Valle: And at that point did you have any cover or concealment?

Botten: No, I did not.

Valle: Okay.

Botten: At that point in time I didn't -- I wasn't positive he had a gun. Well, no, when I saw the barrel -- I was thinking when I first got out. No, at that point I saw the barrel --

Valle: Right.

Botten: -- that's when I saw it come down. I fired because I thought he was either going to shoot me or my partners.

Valle: Sure.

Botten: So that's that.

Valle: Okay.

Botten: So needed to clarify that.

Valle: Of course. So how far do you think you were from the suspect during your -- at the first volley?

Botten: Six to eight feet maybe, maybe less.

Valle: So were you pretty close up on that bumper or on that front of the vehicle or were you --

Botten: I was maybe two feet from the bumper.

Valle: Okay. So whatever the distance is from the back seat to the front bumper and then an additional two feet?

Botten: Yeah. Sounds about right.

Valle: What were the lighting conditions at that point?

Botten: Dawn. It was getting bright out.

Valle: There was some type of light?

Botten: Yeah. The sun was coming up.

Valle: Do you know if the suspect's dome light was on illuminating inside?

Botten: I don't believe it was. I didn't see it on while I was in the car.

Valle: But you could see into the vehicle. You could see the suspect's eyes?

Botten: The light from the rear passenger door, that door was still open was what -- was making it so I could see through the windshield.

Valle: Okay.

Botten: But while I was in the vehicle, I couldn't see behind the driver's seat, which was very black from the tint.

Valle: Okay. But you could still see some of the detail that you articulated, the firearm, the barrel --

Botten: Yes.

Valle: -- his eyes?

Botten: Yes.

Valle: Through the windshield?

Botten: Yes.

Valle: Okay. What was the weather like?

Botten: Clear.

Valle: And the visibility?

Botten: Perfect.

Valle: And when you shot your first volley, you described about three rounds?

Botten: Yes.

Valle: Were you standing or were you moving?

Botten: I was standing.

Valle: And during that first volley, what was your backdrop?

Botten: The car, suspect, and a wall.

Valle: Were you able to bring up your sights and acquire a target?

Botten: Yes.

Valle: And you had said that you were aiming at his head, the suspect's head?

Botten: Yes.

Valle: Could you see the suspect when you shot?

Botten: Yes.

Valle: And I think you described he's still in the back seat?

Botten: Yes.

Valle: And can you describe your rate of fire for the first volley? Was it quick succession? Was it controlled?

Botten: It was controlled. I wasn't trying to dump a mag. I was going to -- kind of like failure drill at the range where it's just boom, boom, boom, so it was smooth, I guess. That's the only way I can say it. I was able to reset my trigger before I pulled it again so it wasn't rapid, but it was quick.

Renteria: Now during that first volley, did it appear that the suspect had finally, let's say, gone completely into the back seat?

Botten: I did see him tuck himself back in, I guess.

Renteria: Okay.

Botten: And that's when I heard him groaning.

Renteria: Okay. Because I remember you said that when you were inside -- when you were on the front seat, he was standing, but kind of leaning into the vehicle.

Botten: No. He was laying across. When I was in the vehicle --

Renteria: Yeah.

Botten: -- he was laying across the back seat.

Renteria: Okay. Okay.

Botten: He was completely in the vehicle.

Renteria: Completely into the vehicle.

Botten: Yes.

Renteria: Okay. Okay.

Botten: So like his head and upper torso would have been behind the driver's seat.

Renteria: Yeah.

Botten: Which was the darkest part of the vehicle, and that's why I couldn't see his hands or his head.

Renteria: Okay. And then when you shot the first volley, he was still completely inside the vehicle?

Botten: He was still completely inside the vehicle.

Renteria: Okay.

Botten: About middle of the -- between the headrest partially sitting up.

Renteria: Okay.

Valle: So when you were articulating your rate of fire, you had actually brought your hands up and were kind of articulating how your rate of fire was, you kind of showed me or showed that you shot twice, below and then one up high. Is that how you --

Botten: Well, that's failure drill at the range. That was the rate of fire that I fired. I didn't go two down and one up. I stayed on target and shot all three to the same target.

Valle: Which was his?

Botten: Head.

Valle: Head, okay. At that first volley, did you communicate with anyone? Were you voicing anything to your partners at that point?

Botten: No.

Valle: During that first volley, did you give the suspect any commands?

Botten: Told him to put the gun down.

Valle: Okay. So now you shot your three rounds and you moved to the east a little bit. Looks like it's pretty much behind the white vehicle in the middle of the photograph.

Botten: Yeah.

Valle: Okay. And how many rounds do you think you shot at that point?

Botten: Three more.

Valle: And earlier you had said that you believe your rounds went through the front driver's door window --

Botten: Yes.

Valle: -- and maybe the front windshield?

Botten: Yes.

Valle: Okay. At that -- now we're going to talk about the second volley.

Botten: Okay.

Valle: What was your state of mind at the time before you began to shoot?

Botten: Seeing the barrel of that gun come down again was fear that I would either get shot or one of my partners would and that I needed to stop the threat.

Valle: What was your shooting backdrop at that angle?

Botten: Same. The window, the suspect, and possibly part of the car, and the wall.

Valle: And that wall is about how high?

Botten: I'd say five, five and a half feet, maybe even six.

Valle: Were you able to bring up your sights and acquire a target during your second volley?

Botten: Yes, I was.

Valle: What were you aiming at?

Botten: His head.

Valle: And you could see the suspect when you were shooting?

Botten: Yes.

Valle: What window were you looking at or could you -- hold on.

Botten: Sorry.

Valle: What window could you see the suspect --

Botten: The driver's window.

Valle: The front driver's window?

Botten: Yes, sir. At that point it was more of a silhouette due to the tint.

Valle: Okay.

Botten: But I could see it clearly.

Valle: Okay. And where was he at the time that you were shooting your second volley?

Botten: His head was between the headrest again.

Valle: Okay. The two --

Botten: The two front headrests.

Valle: Two front headrests, so in the middle of the vehicle?

Botten: Yes, sir.

Valle: And describe your rate of fire during that second volley.

Botten: Same as the first, controlled, smooth.

Valle: Okay. And in that position, did you have any cover or concealment?

Botten: Possibly the car, but I would have had to move.

Valle: Okay.

Botten: So not direct, directly in front of me or anything.

Valle: And where was Sergeant Long at this point?

Botten: To my right, a little bit behind me to my right.

Valle: Okay. And during the second volley, about how far do you think you were from the suspect at the time you shot?

Botten: Ten to twelve feet.

Valle: And what was the visibility like?

Botten: Into the vehicle?

Valle: Everything, in front of you, behind you, everything.

Botten: Visibility was clear.

Valle: I think you've already answered this, but was there a crossfire situation at that second volley?

Botten: Negative. Like I said, my backdrop was that wall.

Valle: Okay.

Botten: And Scott was parallel with me.

Valle: Okay. Did you ever communicate with Inthavong?

Botten: After Sergeant Long and I had gotten to the east of that vehicle and I checked on Sergeant Long to see if he was okay because with the round that had come out I wanted to make sure that he wasn't hit, everyone was on the radio, so I wasn't able to use the radio, but I started yelling for Scott to see where he was at. I didn't want to give away his position just in case the suspect was listening, which I mean, I'm pretty loud so he would have heard me. I just yelled, "Hey, are you still at the front of that car?" And he said "Yeah." "Stay there."

Valle: Okay.

Botten: Because then I knew exactly where he was. So then Sergeant Long and I, we were both kind of cramped up at the trunk of that vehicle we were behind --

Valle: Okay.

Botten: -- because I didn't want to be too far to the street because I couldn't get a good view into the car anyway because of the tint.

Valle: Okay.

Botten: So I came back to the trunk. Sergeant Long and I were just kind of crouched down there and then I looked for Vance. He was over by the tree, made sure that he was okay. I actually yelled at him to see, "Hey, can you get inside?" and he said, "No." I said, "Okay, stay right there then."

Valle: So let's talk about that. Deputy Vance --

Botten: Okay.

Valle: -- at what point did you realize where he was at?

Botten: After we had gotten behind the car.

Valle: And where did you see Deputy Vance?

Botten: Behind the tree that was up in the southeast corner of the parking lot.

Valle: Utilizing the pen, can you put a V where you believe he was standing.

Botten: If I put it on the roof, does that make sense like to where --

Valle: Well --

Botten: Because it would basically be like right here, but on the ground.

Valle: Because he's underneath like --

Botten: Right. You wouldn't be able to see where he was from this video, from this picture.

(PAUSE)

Valle: How about that one?

Botten: Yeah. He's back in here.

Valle: You can put a V. I'll be able to see it even though it's kind of a dark tree, but -- okay, so you realizes that Deputy Vance was near that tree when you took cover behind there on the eastern side of the parking lot?

Botten: That's when I started checking to see where everybody was.

Renteria: Did you see Deputy Vance doing anything?

Botten: No.

Renteria: Okay.

Botten: No. He was hiding behind a tree.

Renteria: Did you see Deputy Vance shoot?

Botten: I did not.

Renteria: At what point did you ever notice Deputy Shue?

Botten: At that point, no. I still hadn't -- I didn't know that Deputy Shue was there.

Valle: Okay. At what point --

Botten: I heard him on the radio. That's the only reason I knew that he was even in the area.

Valle: Okay.

Botten: I believe he's the one that put out the 998 radio traffic.

Valle: And Deputy Shue was not the original group of deputies that were in the station lobby; is that correct? Or do you remember?

Botten: I didn't see him in there.

Valle: Okay. Okay. I'm going to show you another photograph. Now, does this appear to be the weapon or -- it's only if you remember.

Botten: The barrel appears to be that.

Valle: How so?

Botten: Well, it has a very distinct bulge in the barrel towards the muzzle.

Valle: Okay. Is that what you recognize from --

Botten: That was between the headrest.

Valle: -- what the suspect was holding onto?

Botten: Yeah.

Valle: Okay. You had described when he was laying across the back seat and you saw the butt of the gun I think on the floorboard --

Botten: Yes.

Valle: -- does it seem familiar like the color or --

Botten: Yeah, absolutely.

Valle: Okay. So it appeared to be like a brown wooden stock?

Botten: Yeah.

Valle: Okay. I know that you had described the blast coming out the driver's side of the vehicle. You felt the warmth, the heat, and you felt shrapnel. Did you actually see the suspect shoot?

Botten: No. I only saw the blast come out.

Valle: Did you communicate on your portable radio?

Botten: A few times.

Valle: What was that for?

Botten: I believe I requested SEB even though they had already been -- we had already been told that they were in route. I didn't hear that radio traffic --

Valle: Okay.

Botten: -- just because the -- everybody was on the radio. And then I knew I had -- I requested Aero to take their orbit higher and I got declined.

Valle: Okay. Now you had mentioned that you heard somebody, actually Deputy Shue communicating with SCC.

Botten: Yes.

Valle: Okay. And you believe he was the one that put out the 998?

Botten: I believe so.

Valle: Okay. Okay, after the shooting had subsided, there's a lull, were you able to get out of the parking lot?

Botten: Yes.

Valle: Can you show me -- well, yeah, how did you get out?

Botten: Basically, Aero had told us that the deputies on the east side of the parking lot, meaning Sergeant Long, myself, and then Deputy Shue, once I realized he was there, we could extract ourselves through the driveway if we hurried.

Valle: Okay.

Botten: I looked at Sergeant Long. I said "Are you good?" He said, "Yeah." I'm like, "All right, we're going to go --," told him, "We're going to go right here around this corner and we're going to go."

Valle: Okay.

Botten: He said, "Okay." So at that point I told him "Go," and he kind of hesitated a little bit, so I grabbed his arm and picked him up and we went.

Valle: Okay. Can you show me the path that you both took?

(PAUSE)

Botten: This is where Deputy Shue was.

Valle: You can put an S where you saw him. Okay.

Botten: And after when we got there, I kind of helped him up because he was laying down behind the little half wall that's right there, so I helped him up and then we extracted out.

Valle: Where did you guys eventually walk to?

Botten: I walked to the sidewalk right here where I saw Sergeant Martinez had a ballistic shield because I immediately wanted to go back in and make sure that Inthavong and Vance got out.

Valle: Okay.

Botten: I also saw that they had already pulled an SUV into the driveway, so they were already coming up with a plan to get us all out of there. Immediately took up a spot on the -- at the -- with the shield in that group to go get Deputy Inthavong and Vane.

Valle: Okay. What happened after that?

Botten: We pulled the vehicle in and we slowly started making our way across the parking lot. The vehicle got to about in front of -- about where this vehicle is just a little bit north of there, and then Sergeant Long, myself, and Deputy Garcia, Mario Garcia, we went the rest of the way. They were behind me. I had the shield. Picked up Deputy Inthavong who got behind them. Went back to the cover of the vehicle. The vehicle started backing out and stopped about halfway out, at which point myself and Sergeant Long went over and got Deputy Vance. Went back to the cover of the vehicle and head back the rest of the way out, and then we went over to the parking lot over behind K-Mart.

Valle: How many shields did you guys have when you were extracting --

Botten: One.

Valle: Okay. All righty.

Botten: Unless you count me.

Valle: There were no other civilians in the parking lot when you were --

Botten: Not at that point.

Valle: Okay.

(PAUSE)

Valle: So when and Sergeant Long were you walking out of that behind cover of that white vehicle, is that when you first noticed Deputy Shue?

Botten: Yes, it is.

Valle: Okay. Do you have anything?

Renteria: Nothing.

Valle: Sherry, do you have anything?

Lawrence: No.

Valle: Okay. I don't have anything further. Do you have anything else to add before we end?

Botten: No.

Valle: What time do you have?

Renteria: Time now is 11:12.

Valle: It's 11:12 a.m. We're going to end the interview. Thank you.

WITNESS INTERVIEW

DEPUTY NATHAN BOTTEN

Aguilera: Today's date is March 20th, 2017. It's approximately 1450 hours. This is Detective Aguilera along with Detective Boisvert from Sheriff's Homicide and we're here in regards to a deputy involved shooting that occurred on today's date under Sheriff's File Number 017-03249-0522-013. Also present is attorney Sherry Lawrence from the law firm of Green and Shinee and she is representing Deputy Nathan Botten, and Deputy Botten you are assigned here at Temple Station?

Botten: Yes, sir.

Aguilera: How long have you been here?

Botten: Approximately two and a half years.

Aguilera: And you were assigned an early morning car?

Botten: Yes, sir.

Aguilera: And what unit were you working last night?

Botten: 55.

Aguilera: And your hours?

Botten: [redacted].

Aguilera: And you're wearing a Class A uniform?

Botten: Yes, sir.

Aguilera: Complete with Sam Browne.

Botten: Yes, sir.

Aguilera: You've got your badge on your left chest, you name plate on your right.

Botten: Yes, sir.

Aguilera: And Los Angeles County Sheriff's patches on both shoulders, correct?

Botten: Yes, sir.

Aguilera: And why don't you go ahead and take us through how you learned that there was something going on in the lobby involving an arrest of a possible suspect?

Botten: I just dropped off my paperwork from the night in the watch sergeant's office and I saw Deputy Inthavong talking to Deputy Vance and they were talking about going out, a guy in the lobby had a, a warrant. What it was for I didn't know at the time. I'm not one to let my partners go do stuff by themselves, I don't care where they're at, so I'm like I'll go with you. He's like all right cool. Deputy Vance said that when he asked the suspect for his ID, when his wallet opened he saw a hard metal badge and said something to the effect of SWAT Team or something like that and when Deputy Vance kind of questioned him on it, the guy wasn't completely forthcoming I guess. So Deputy Vance advised us that there was a possibility that he might have a firearm. So Sergeant Long joined us, and I didn't know at the time but Deputy Shue did and Deputy Vance advised us that he's wearing a black cowboy hat and he's about 6'2" white male. So we walked out into the lobby. As I rounded the corner where all the chairs are for people that come in to sit, I saw that, through the glass door, that the suspect was standing outside. So we kind of went out there, nonchalant, kind of, kind of keep things from getting escalated and as soon as walked out the door, out the door, he went from leaning on the wall, he stood up, kind of tensed up a little bit and was like what's going on? Deputy Inthavong told him turn around put his hands behind his back, at which time he started stepping away and then took off running to the northwest corner of the parking lot. Which is two big walls and, and a chain link fence on top of it. At one point he took off his hat, turned around and threw it at Deputy Inthavong. It looked like he was running to a Ford truck and then he changed directions and ended up going to a, a blue Chevy SUV. And I thought it was weird because he was, he was going into the backseat. Knowing that he'd have to get into the driver's seat, I went to the driver's side, Deputy Inthavong was on the passenger side. I opened the driver's door 'cause knowing if he was going to leave he'd have to get in the driver's seat and at this point I had my gun drawn and I was pointed at him. And he was moving around in the backseat fumbling for something and it looked like I, I saw what I thought was the stock of like a long gun, like rifle or shotgun. And as I'm seeing that, I hear Deputy Inthavong say he's reaching for something and a second, maybe two seconds later, I hear gunshots come from that side of the car.

Aguilera: The passenger side?

Botten: From the passenger side. I hear someone, I don't know who, put out radio traffic of a deputy involved shooting. I immediately shut the door and

started backing off and I had Sergeant Long behind me. To kind of get a better view, I moved towards the front of the car, looking straight in through the windshield. I could see the barrel of a long gun moving back and forth between the front driver and passenger seats. I can see the suspect's face. He was looking at me and I see him like lift the gun as if he was trying to bring it up to use it and at which point I, I was scared he was either gonna shoot me or Inthavong or even my sergeant and I was worried for Deputy Vance also because he was out there in plain clothes, no vest. So that's when I shot three rounds, I believe it was. And then I saw that he was still trying to move it. I'm pretty sure I hit him, I don't know for sure but I'm pretty sure, 'cause I'm a decent shot. I see him still trying to move the shotgun, so I shot I believe it was three more times. At which time I, I grabbed Sergeant Long and I said, "Hey, get to cover," and we went behind a white, I think it was a Toyota. A little, a little four door and I pushed him back there and I followed him back behind the car. And I looked over and saw that Deputy Inthavong was on the other side of the big Ford truck, which was on the other side of the, the SUV. After things kind of calmed down, obviously there's a bunch of radio traffic going on, everyone is responding. I yelled for Inthavong to try and see where he was at, because I was scared that the guy would now come out of the car and we have a bad crossfire situation. So I'm trying to get him to tell me where he's at and he told me he was at the front of that truck.

Aguilera: How are you making, how are you communicating with him?

Botten: I'm yelling. Because everyone is on the radio so wasn't able to use that. Aero was there, it felt like within seconds. They're going around. I'm looking for Vance. I see that he's back behind a tree towards the, the lobby door, so south end of the, like the southeast corner of the parking lot. I look at him, I'm like are you good? Are you okay? Like trying to make sure he's not injured, he's like I'm good. I'm like stay there. And so we're trying to communicate. We ask the desk to get AR rifles out there. At which time, I heard that somebody was on the roof. So I told Sergeant Long sit, sit tight, you know, we're good here. Sit tight don't give him something to shoot at and then aero was doing their orbit trying to see if there was any movement in the car. They said it looked like he was laying on his back, long gun in his lap or somewhere in there, but they said they saw a long gun. After they were making orbits for a while they put it out over the radio that the deputy was on the east side of the parking lot which is where Sergeant Long, myself and Deputy Shue were at, we could make a tactical retreat if we just ran, we should be able to make it. So I looked at Sergeant Long, I said, "Are you ready?" And he's like, "Yeah, let's go." And I grabbed him by the arm and we ran back and as we went by Deputy Shue I grabbed him and we went out. At that time I looked up and there were radio cars everywhere. Air 5 had just landed in the parking lot and I saw Sergeant Martinez had the ballistic shield and we had one of the

SUV's pulling up because we were gonna go get Deputy Inthavong and Deputy Vance out. So I joined up with that. I led that in. We went over and got Deputy Inthavong came back and I went and got Deputy Vance, came back and we all pulled out to a safe distance, not knowing if he was, the guy was still alive or not. We were standing there a while. I told SEB what I seen when I was getting Deputy Inthavong 'cause I had a clear view inside the car and then after that we ended up coming upstairs and....

Aguilera: Where did you talk to SEB at?

Botten: In the parking lot behind K-Mart.

Aguilera: Is it the K-Mart? Okay and this is after you had been evacuated from the area?

Botten: This is after everyone had been pulled out, SEB was walking in. I just let them know what I saw in the car.

Aguilera: So you didn't see anything else as far as what SEB did or anything?

Botten: No.

Aguilera: Now....

Botten: I just heard radio traffic that they were going to throw a, a flash bang at the car to see if the guy would respond and then after that they said there's no response and it appeared that he had, he had passed.

Aguilera: Now taking you back to where you guys initially went to make contact. Do you know who made conversation with the suspect? He was standing outside, correct?

Botten: Deputy Inthavong did.

Aguilera: Oh, Inthavong.

Botten: He made the initial contact with the suspect.

Aguilera: Did you hear what the conversation was?

Botten: It was like, hey, man what's going on, kind of being polite.

Aguilera: Just small talk?

Botten: Just small talk trying to keep it calm and everything.

Aguilera: How long did that go on before the suspect took off running?

Botten: Seconds. Like, like as soon as he saw us walk out he immediately, his demeanor changed. As we were walking out he was leaning against the wall and as soon as he saw us walk out he immediately kind of tensed up, stood up straight and started kind of making his way like he was gonna run.

Aguilera: Now let me take you prior to that when you guys were inside the station area before you went out that door to the hallway and the, and the lobby, were you also briefed by Vance?

Botten: I was standing by when he was talking to Deputy Inthavong and then after I said hey, I'll go with you that's when he told us about him having the hard badge that looks like an LAPD badge that said SWAT Team on it...

Aguilera: Right.

Botten: ...and everything like that.

Aguilera: Do you remember him saying anything like this guy might be armed?

Botten: Yes, sir.

Aguilera: And it was you, Vance, Inthavong and Sergeant Long?

Botten: And Deputy Shue.

Aguilera: And Shue, I'm sorry, okay.

Botten: Deputy Vance kind of held, held back. We, we were basically the ones making contact with, with the suspect. Deputy Va-, Deputy Vance didn't get involved until he saw us all kind of scattered...

Aguilera: Right.

Botten: ...and, and heard the gunshots.

Aguilera: So he runs, you said, in kind of a northwest direction. Now are you running after him as well?

Botten: Vance?

Aguilera: No. The suspect.

Botten: Yeah...

Aguilera: When, when he takes off.

Botten: ...he ran, he ran northwest...

Aguilera: Right.

Botten: ...to the, to the northwest corner of the parking lot.

Aguilera: Right, and then you saw him get into the back door of that...

Botten: I saw....

Aguilera: ...passenger side?

Botten: Well, I saw him initially running to the truck and I'm thinking where's he going? He can't climb this wall.

Aguilera: That's the gray truck in the corner?

Botten: Yes. Then he changed direction and like he forgot which car was his or something.

Aguilera: Right.

Botten: And he came back and I thought it was really weird because he went directly to the back seat of the car and opened that door.

Aguilera: Now do you, are you actually running at that point or no?

Botten: I was running and Deputy Inthavong came up on the passenger side. I was on the driver's side.

Aguilera: So when you saw him get in through the passenger side, where were you at, whereabouts?

Botten: I was at the driver's side door opening the door.

Aguilera: Was it locked or unlocked?

Botten: It was unlocked.

Aguilera: Did you get it open?

Botten: Yes, sir.

Aguilera: And you got it open did you get inside the open doorframe area or?

Botten: I was leaning inside, yes.

Aguilera: And then what did you see exactly?

Botten: I saw him rustling around in the backseat. I could hear him moving, I could hear things banging and that's when I saw what I, like the stock of a long gun. What I thought it was.

Aguilera: Do you have your gun out at this point?

Botten: Yes, sir.

Aguilera: When did you take your gun out?

Botten: I took my gun out when he ran.

Aguilera: So you're leaning inside and is he laying down flat on that backseat?

Botten: He was laying on his side and he was, he was trying to manipulate something that I didn't know for sure, but it looked to me like it was a, a long gun.

Aguilera: And you saw the barrel?

Botten: I saw the stock at that point.

Aguilera: The stock okay. And is the stock towards the floorboard? Or is it raised at this point?

Botten: At that point it was kind of level with the, it was level with the floorboard. And he appeared to be trying to manipulate it.

Aguilera: What was it pointed towards? At this point?

Botten: The barrel was pointed east.

Aguilera: So he's got it laying down essentially it looks like and now he's coming up with it? Okay.

Botten: And that's when Deputy Inthavong was saying he's reaching for something and seconds later I hear gunshots coming from Deputy Inthavong and shrapnel from the rounds peppering me.

Aguilera: Now, when Inthavong is shooting are you still standing in the doorframe?

Botten: Yes, sir.

Aguilera: And what do you do? Do you close the door and go out to the south, towards the front end?

Botten: I immediately backed up, shut the door went south towards the front to try and see where he was and if he was still moving or still a threat, like with a firearm and see what type of firearm it was. And that's when I saw the barrel was pointed straight up and it was kind of moving back and forth like he was manipulating with it, like as if maybe it was caught on something he was trying to get it loose.

Aguilera: And you're standing at the front end of the truck now?

Botten: I'm standing directly in, in, well a little off to the driver's side but in front with a clear view through and I can actually see his face.

Aguilera: So you're looking through the windshield, front windshield?

Botten: Yes, sir.

Aguilera: And then you see him manipulating the barrel and then what do you do now at this point? Are shots still being fired by Inthavong?

Botten: No. At that point, I, I yelled put it down, let me see your hands and that's when it seems like he was trying to bring it up and it was tilting forward like he was coming at me.

Aguilera: So he started to point it towards you.

Botten: Yes, sir.

Aguilera: And then what?

Botten: And then I felt that he was either gonna shoot me, my sergeant or someone else that was there, so fearing for their safety and mine, that's when I first fired.

Aguilera: Where's Long standing at, your sergeant?

Botten: Behind me.

Aguilera: So he's pointing it towards you two? And then fearing that one of you were going to get shot, you start firing?

Botten: Yes, sir.

Aguilera: And you're firing directly through the windshield or where are you firing from?

Botten: Directly through the windshield.

Aguilera: As your firing, you got off an initial three rounds?

Botten: Yes, sir.

Aguilera: And then do you now maneuver yourself east?

Botten: I started, I started moving east kind of almost clockwise but there's a car that was right there, and I didn't....

Aguilera: There's one white car right next to it.

Botten: Yeah, and I didn't want to be that close.

Aguilera: And then there's another car east of that.

Botten: So I pushed Sergeant Long back a little bit more and I could see the suspect still moving and manipulating the gun and I fired again.

Aguilera: Where is the gun at now at this point as you're east of it?

Botten: He's, he's bringing it back up and like still trying to get it in a position where he could fire.

Aguilera: Is he seated up in, sitting, sitting up at this point? Could you tell?

Botten: He's kind of leaning up at this point, he wasn't completely on his side but he wasn't sitting up vertical.

Aguilera: Was the left side of his body towards the seat, and the right side up in the air?

Botten: Yeah, left side down, so his head was east.

Aguilera: And now he's manipulating the gun even more and…

Botten: And I fired again.

Aguilera: …and the reason for you firing at this point was what?

Botten: It was fearing that he was gonna shoot myself or one of my partners or someone else that was around.

Aguilera: At this point, at this point, you're east of that white car?

Botten: I'm probably, yeah probably just east of the white car, a little bit south of it. So in front of it and before I shot my second round, my second set of rounds, I'm telling sergeant, my sergeant to get back to the car. So that, then I fired and I finished pushing him back behind the car and followed him back. That's when I was kind of like, okay, I actually did a tac reload right there. Put a fresh mag in and I, I put the, the other mag in my pocket. I'm trying to see through the window and the window is severely tinted. You know what, I need to go back. After I shot my second set of rounds, and I'm getting Sergeant Long to go, a round actually came out of the driver's side rear window. I felt the glass hit me in the face and I felt, I felt the round go by. Like he was shooting at me. That's when I really pushed Sergeant Long back behind the car.

Aguilera: At that point....

Lawrence: After your second, I'm sorry. Some point after your second?

Botten: This was after my second set of, of rounds.

Aguilera: At that point you're still east of that white car that's right next to the truck?

Botten: Yes, sir, and I'm probably even further east at that point 'cause I'm trying to get my sergeant back behind the car and myself. Then once I kind of get back there, take a quick breath, tac reload. I ask my sergeant if he's all right. I yell at Deputy Inthavong to see where he's at, just in case we have to reengage this guy. It's a, it's a bad situation that we're in because we have a horrible crossfire. So I'm trying to figure out where I can get to to where I can have a good shot, see where Inthavong is at. Check on Deputy Vance make sure he's okay and make sure that no one is injured. That's like when aero gets there...

Aguilera: Right.

Botten: ...and they start doing their thing.

Aguilera: And now you're further east, you move. You don't see any movement from the suspect after that?

Botten: I didn't see any movement. But to be honest I wasn't trying to stick my head out very far.

Aguilera: Right.

Botten: He already popped off one round at me, and I wasn't trying to get another one.

Aguilera: Did you ever get behind the second white car?

Botten: That's where we were. We were, we were behind the second white car.

Aguilera: So you're about three or four stalls now away at this point?

Botten: Yeah, approximately yeah.

Aguilera: And then you guys are able to get out after that eventually?

Botten: Eventually we were able to get out. Well Sergeant Long, Deputy Shue and myself were able to get out and then that's when we came back with the SUV and the shield and we went and got Deputy Inthavong.

Aguilera: And who went and got Deputy Inthavong?

Botten: I had the shield, Deputy Garcia was to my right behind me.

Aguilera: What's Garcia's first name?

Botten: Mario.

Aguilera: Mario Garcia, okay.

Botten: He was behind me, Sergeant Long was with me, he was behind me and we came around and we got Deputy Inthavong. We came back to the car, the car backed up a little bit and I went over and got Deputy Vance and came back to the car.

Aguilera: Who was driving the car?

Botten: Brandon Jackson. And then they backed up and we all went over to the K-Mart parking lot.

Aguilera: After the round came out in your direction, were there any more shots fired by anyone at that point?

Botten: I did hear shots, I don't know where they came from. I don't even know how many I heard. I was trying to get back behind cover.

Aguilera: And you said earlier that, or do you have any questions at this point?

Boisvert: Oh, I'll wait. I was going to ask...

Aguilera: Go ahead.

Boisvert: ...in regards to when he was by, initially when you were in the driver's side door, you seen him, you see the buttstock, what kind of commands are you giving him?

Botten: I'm telling him to drop it, put your hands up. He's, he's not responding at all. It seemed like he already had his mind made up on what he was gonna do.

Aguilera: And you said that you carry a 9 millimeter, 92F Beretta?

Botten: Yes, sir.

Aguilera: And normally how do you carry it and how many rounds in the mag?

Botten: Fifteen.

Aguilera: Fifteen in the mag?

Botten: Yes, sir.

Aguilera: And one in the…

Botten: One in the chamber.

Aguilera: …chamber, correct?

Botten: Yes, sir.

Aguilera: Is that how you were carrying it last night and this morning?

Botten: Yes, sir.

Aguilera: And you think you fired about six shots, six rounds?

Botten: Yes, sir.

Aguilera: And after you fired six rounds, you said you tactically reloaded.

Botten: Yes, sir.

Aguilera: And you put the old mag in your pocket?

Botten: I put the old mag in my pocket, it's still right where I left it. And I inserted a fresh mag from my mag pouch.

Aguilera: And in that during that fresh mag once you put that in, you never fired another round?

Botten: I did not fire again.

Aguilera: Can you take out the magazine that you have in your pocket right now. That's in your left front pocket?

Botten: Left front pocket.

Aguilera: And can you count the rounds out loud. Take them out and count them in the magazine.

Botten: One, two, three, four, five, six, seven, eight, nine.

Aguilera: So you have nine rounds in the mag that was in your left front pocket right?

Botten: Yes, sir.

Aguilera: You can go ahead and set those down on the ground there or you can put them in that envelope if you could. And I'm sorry what type of rounds are those? Can you check the head stamp on it?

Botten: The Luger, yeah, Luger 9 millimeter win. W-I-N.

Aguilera: Go ahead, I'm going to ask you to take your gun out of your holster. Yeah, you can stand up, and remove the magazine if you could. And set that down. And go ahead and take out the round in the slide. Do you have one in the slide? Okay, so there's one round in the slide. And you can go ahead and you can set your gun down. Now let's count the rounds in your magazine that you have now. Just take the first magazine that you tactically reloaded, we'll keep that. Yeah. And go ahead and....

Botten: One, two, three, four, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 15.

Aguilera: So you can go ahead and hold onto those. We're not gonna take that from you, I just wanted to make sure that you have all the rounds in that magazine, so you can just keep that. Can you go ahead and read us the serial number for your gun.

Botten: It's going be Boy, Edward, Robert 455614.

Aguilera: And you've got a Sure Fire light, tactical light?

Botten: Yes, sir, it's the X300 ultra.

Aguilera: X300 ultra?

Botten: Yes, sir.

Aguilera: Anything else you have on the gun?

Botten: No, sir. Well, the, just the MR11 rail system for the tac light.

Aguilera: Do you have any questions?

Boisvert: No questions.

Aguilera: Nothing? Any questions?

Lawrence: Nothing.

Aguilera: Do you have anything else to add? Okay, it's approximately 1514 hours and we'll go off tape.

KM
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LOS ANGELES COUNTY
SHERIFF'S DEPARTMENT
TEMPLE STATION

[redacted]

BOTTEN N



BOTTEN N. [redacted]



BOTIEN N [redacted]



BOTTEN N. [redacted]

INVOLVED EMPLOYEE DEPUTY BRIAN VANCE

SH 2423868

WITNESS INTERVIEW

DEPUTY BRIAN VANCE

Valle: Today is September 11th, 2018. The time is 11:26 AM. My name is Sergeant Paul Valle, this is Sergeant Israel Renteria of the Internal Affairs Bureau, which is commanded by Captain Josie Woolum. Today we're going to be speaking with Deputy Brian Vance regarding case number SH2423868. My last name is spelled V as in Victor A-L-L-E.

Renteria: Sergeant Israel Renteria, R-E-N-T-E-R-I-A.

Valle: Brian, can you just spell your last name please?

Vance: Sure, Vance, V as in Victor A-N-C-E.

Valle: And Sherry?

Lawrence: L-A-W-R-E-N-C-E.

Valle: Thank you. Before going on tape Brian, I presented you with an administrative rights form for shooting and force investigations. I see you answered the two questions, and dated and signed the bottom, is that correct?

Vance: Yes, that's correct.

Valle: Do you have any questions about the form before we continue?

Vance: I do not.

Valle: Before today's interview I was able to provide your attorney and yourself I believe an email with your transcripts of your Homicide interview that occurred on March 20th, 2017. Is that correct?

Vance: That's correct.

Valle: I see you have a copy in front of you. If you need to refer to it at any time, by all means go ahead. If we need to take a break, let me know. But okay, so, let's start off real quick with just your work history. After the academy where were you assigned and what year?

Vance: [redacted]

[redacted] And then how far do you want me, do you want me to over TO and all that?

Valle: No, are you, where are you currently assigned to?

Vance: I'm currently assigned to Temple Station patrol.

Valle: So, you've been there since [redacted]?

Vance: I've been there since [redacted], yes sir.

Valle: So, let's go back to March 20th, 2017. Do you recall what your assignments and duties were?

Vance: Yes, I do.

Valle: What were they?

Vance: On this date, on March 20th, 2017, I was assigned as the sex registration deputy. I had been in this position for approximately [redacted] years or so. And my working time was from [redacted] in the morning till [redacted] hours in the afternoon.

Valle: And what are your duties in that position?

Vance: My duty was to register the sex offenders that would come into the station and maintain, or maintain paperwork regarding each of the individuals that were registering.

Valle: So, that morning on March 20th, 2017, do you remember what time you started your shift?

Vance: I came in at around seven o'clock. I was running a little late. My shift would normally start from [redacted] in the morning. However, I was running a little late. I was, it was my first day back from vacation and I was just running a little late.

Valle: And I know that the day of the incident they took photographs of you. I'm going to show you some photographs and it looks like it appears to be you, is that correct?

Vance: Yes, that's me.

Valle: So, is this what you were wearing the day of the incident?

Vance: Yes, it was.

Valle: So, normally would you dress in this manner while working your spot as a 390 registrant deputy?

Vance: No. I would not.

Valle: What would you normally wear?

Vance: Normally I would be wearing my Class A uniform.

Valle: And would that also mean a gun belt or would a pancake holster suffice, or what would normally you wear?

Vance: I would normally wear a pancake holster.

Valle: So, why were you not in uniform this morning?

Vance: I was running a little late. Like I said, it was my first day back from vacation. I was kind of just had a hard time waking up. I got in just before seven o'clock that morning.

Valle: And the second photograph you have your, it looks like it depicts your firearm tucked in your front waistband. Is that the way you started your shift that day?

Vance: That day yes, I was wearing an in-waistband holster with my Smith and Wesson M&P nine-millimeter.

Valle: Anything else on your person besides your gun?

Vance: I also had a pocket knife and other than that I just had my flat badge in my front left pocket and my regular wallet in my right pocket.

Valle: Any badges exposed?

Vance: No.

Valle: So, your flat badge is in your pocket?

Vance: Flat badge is in my pocket.

Valle: So, what did you first, what was the first thing you did when you arrived that morning?

Vance: The first thing that I did was, because I was running a little late and I had the, the sex offenders were supposed to be coming in at seven o'clock. I immediately went up to the counter to make contact with them, because I was running late. And I didn't want them to have to sit there. I mean I, they're sex offenders, but they're still people too, and they shouldn't have

to wait too long. And that's the reason why I went out there to make contact with them.

Valle: Now, you said you worked this position for over two years?

Vance: Yes sir.

Valle: At the point in March of 2017?

Vance: Yes sir.

Valle: So, is this a normal time for them to arrive, seven o'clock in the morning?

Vance: Yes sir.

Valle: So, you do other duties before beginning at 5, you do other duties before you normally contact these people in the lobby?

Vance: Yes sir.

Valle: So, tell me what happened when you made contact with I believe the suspect's name has been identified as Andrew Lane, L-A-N-E. Tell me about making contact with him.

Vance: So, I was at the counter. I called Andrew Lane up to the counter to register. He walked up to the counter. He's a male, White, in his forties. He was wearing jeans and a black cowboy hat. I told him who I was. That I was deputy sheriff and that I was in charge of the registration and then he told me that who he was, although I already knew who he was. And he pulled out his wallet and then put it up, put it down on the counter and when his wallet sat down on the table, it opened up as if it kind of looked like somebody was, or like a peace officer was showing his badge. It just so happened that there was a badge inside his wallet and when it opened up I was able to see that badge. Although the badge was a security officer badge, he still had an ID in there that said SWAT officer.

Valle: So, are you making this observation as it occurs? Like do you see security or do you see something else, or that's later on you discovered where it says security?

Vance: Well, when, when it, when his wallet flapped open, when it hit the counter, I asked to see his badge, so I could look at it closer. And I noticed that it said security officer on it.

Valle: Now, you said that you made contact with him before?

Vance: I had made contact with him before.

Valle: Do you know whether he recognized you that morning?

Vance: I don't know if he recognized me.

Valle: He didn't give you an indicator; Hey Brian, what's up or Deputy Vance, or –

Vance: I don't recall.

Valle: Before this contact, did you have information about him, the LAPD, about LAPD investigation?

Vance: I did.

Valle: Can you tell me about that?

Vance: Approximately January of 2016, or I'm sorry, 2017. Let me back up. December of 2016, and January of 2017, I was contacted by an LAPD Detective Montano. He gave me his cellphone number and he told me that he was investigating Andrew Lane for some type of lude acts charge. I don't recall what the section was. And that he was trying, he wanted me to rouse Andrew Lane to get him to come in, so that he could make an arrest.

Valle: Okay.

Vance: He asked me to do the rouse and I called Andrew Lane by phone and talked to him, and I told him, hey, I needed to retake his photo. He said that he would come in, but he never came in.

Valle: Okay.

Vance: And then the Detective Montano said that he was going to issue a warrant and I knew that there was a warrant for his arrest.

Valle: That morning?

Vance: That morning.

Valle: March 20th, 2017?

Vance: That's correct.

Valle: And did you confirm, how did you confirm that there was an active warrant for his arrest?

Vance: Based off his, my remembering that incident with Detective Montano, after I got Andrew Lane's identification for his information, I then went to the dispatch area, which is right next to the counter. Went in there and used

the computer, Department resources to run his name, and I was able to confirm that he had a forty-thousand-dollar felony warrant.

Valle: And what did you do with that information?

Vance: Once I got that information I tried to get ahold of Detective Montano. Now, I had his cellphone number up on my desk, but I didn't go up there. I thought that maybe I could just call LAPD and that they would get in contact with Detective Montano so that we could talk while he was down at the counter. But I was on the phone, I was getting the run around. So, I just decided that I was going to have our Department or the Sheriff's Department and Temple Station make the arrest.

Valle: So, what happened after that?

Vance: So, based off of that information I went back to the 07:00 briefing. It was about 7:20 or so. I waited a little bit until the briefing was over, and then I contacted the deputies in there and asked if anybody wanted to make the arrest on this individual.

Valle: And did anybody volunteer for that?

Vance: Yes, Deputy Inthavong, Scott Inthavong immediately stepped forward and said that he would handle the arrest.

Valle: Anybody else as far as you know?

Vance: Deputy Henry Shue and Sergeant Jim Long came with us as we walked up to the, up to the lobby from the briefing room.

Valle: So, did you tell any of the deputies that you just listed of what your observations were of his ID, things of that nature?

Vance: Yes, I did.

Valle: What did you tell them?

Vance: While we were in the briefing room I told them that this person Andrew Lane had a forty-thousand-dollar felony warrant for his arrest for some type of lude acts violation. I told them that he was, he appeared to look like a cowboy, he had a black cowboy hat on. And I told him what I saw as far as the badge went. That I saw an ID that said SWAT officer and then the badge that said security officer on there. And at the time I felt that there was a good possibility that he was, that he had a weapon. I didn't see a weapon, I didn't, I just, it was just a weird feeling that I had, because of maybe, I don't know. Maybe the way it was, the way he was acting, but I think mainly it was because of the SWAT officer badge or ID. Because at the time I just felt that who would claim to be a SWAT officer

and be unarmed. But also, he said that he, Andrew Lane had said that he had just come back from Wyoming and the gun laws in Wyoming are way more lax than they are in California. So, I felt that there was a possibility that he was armed. So, I relayed that information to the deputies in the briefing room and then we proceeded to walk towards the lobby.

Valle: When you guys are walking up to the lobby and just before you made contact with the suspect, was anybody formulating a plan, a quick plan of who, how this contact, arrest was going to happen?

Vance: You know, I was walking further behind them.

Valle: Okay.

Vance: I heard them talking, but I didn't hear them formulate a plan. I, I, honestly, I didn't hear what they were saying.

Valle: So, what happens when you get near the doorway that goes into the lobby, what happens at that point?

Vance: As I walked to the lobby, Deputy Nathan Botten walked out of the watch sergeant's office and he said, he asked me what was going on and I told him that there was a male in the lobby that had a forty-thousand-dollar warrant.

Valle: Uh huh.

Vance: And I told him that it was a felony warrant and he decided to pretty much become involved.

Valle: Uh huh.

Vance: And help with the situation.

Valle: Do you know if you briefed him about, or gave him that information about the, your suspicions about him being armed?

Vance: I did.

Valle: What happened after that?

Vance: After I told Deputy Botten what was going on, he then walked in front of me and as everybody else walked out to the lobby, Deputy Botten followed behind them and I was the last one into the lobby area. As everybody turned the corner and started to walk outside of the lobby towards the front of the station, I kind of just hung back.

Valle: Okay.

Vance: But I was able to see that Andrew Lane was, excuse me, was directly outside of the lobby and he was leaning up against this concrete wall that was just, just outside the lobby doors.

Valle: I'm going to show you a photograph. Does that look familiar to you?

Vance: Yes, it does.

Valle: That's the front of the station. It looks like the doors are on the left side of the paper? The front doors to the lobby –

Vance: Yes.

Valle: - on the left side of the paper?

Vance: Yes.

Valle: Can you, do you know whether in this photograph where the suspect would have been?

Vance: Yes.

Valle: If you can use the red pen and mark an X where you saw the suspect standing when you turned that corner. Okay, and you said that he was standing, he was standing up?

Vance: Yes.

Valle: What happened after you saw him standing there?

Vance: As I was kind of hanging back, I noticed that Deputy Inthavong was the first one outside of the lobby and Botten was directly behind him, Deputy Shue was behind Botten and then Sergeant Long was kind of just bringing up the back of the pack. And as Inthavong started to walk outside of the lobby doors, he was making, he was saying something to Andrew Lane, but then Andrew Lane immediately started to back, to walk backwards, to do kind of like a slow walk, and he was walking in like a northwesterly direction. And then in, at the time I felt that okay, he's going to start running, and sure enough, he just turned around and started running towards the northwest portion of the parking lot.

Valle: I'm going to show you another photograph. It's an aerial photograph of the front of the station. Do you recognize that?

Vance: I do.

Valle: So, using the red pen, can you show me the path that you saw the suspect run through the parking lot? Okay. So, he ran in a northwest direction towards it looks like you indicated to a blue SUV?

Vance: Yes.

Valle: So, he starts to run in that direction. Do you know if anybody else starts to follow him?

Vance: Yes.

Valle: Who did you see follow him?

Vance: I saw Deputy Inthavong and Deputy Botten, and Sergeant Long, and Deputy Shue run towards that direction.

Valle: And just to confirm, at this point you don't have a sheriff's radio on you, correct?

Vance: I do not.

Valle: So, do you hear, even up to the point of contact do you hear any communication between deputies and the suspect where you indicated the X?

Vance: I don't recall what was actually said, but I remember that they were trying to communicate with and trying to get him to stop.

Valle: So, tell me about that, where did you hear them, what did you hear them, did you hear commands for him to stop?

Vance: I did hear commands to stop. The exact commands I couldn't tell you what they said. I know that Inthavong and Botten were trying to get him to stop.

Valle: And that was while they were running in that direction?

Vance: Yes.

Valle: What happened after he ran in that direction?

Vance: I remained, can I just draw an X?

Valle: Sure, uh huh.

Vance: I'm, it's, you can't see really the lobby doors here.

Valle: Okay. I can show you another photograph.

Vance: Perfect. So, there's a set of stairs that are directly outside of the lobby.

Valle: Okay.

Vance: I was standing right there.

Valle: Okay.

Vance: On those stairs. As the deputies ran towards the Trailblazer, I remained on those stairs.

Valle: So, what did you observe while standing on those stairs?

Vance: As I was standing on those stairs, I observed as the suspect ran towards –

Valle: You can draw a line, the path that he took.

Vance: He ran this direction to the front passenger door of a blue GMC Trailblazer.

Valle: Uh huh.

Vance: And then entered, or started to enter the vehicle. Deputy Inthavong was some, he was somewhere towards the front passenger area in front of the vehicle.

Valle: Uh huh.

Vance: And then Sergeant Long and Sergeant, and Deputy Botten were in this area. And then Deputy Shue was right here somewhere.

Valle: And if you can do me a favor, put like an S and then a you know, just initial where those, who those people are that you're circling. So, S.

Vance: This is going to be S.

Lawrence: (Inaudible).

Vance: I'm going to say yeah, I'll say HS for Henry Shue here.

Valle: Okay.

Vance: And then here, it's going to be hard to put in here, but I'll say, you can't really see it, but JL and NB.

Valle: So, it's and JL is James Long?

Vance: James Long and Nathan Botten and then here was Scott Inthavong.

Valle: Good, okay. So, while this is unfolding and you see the deputies take those positions, do you hear anything that's going on? Did you hear any commands or?

Vance: I did hear commands as; show me your hands, stop moving, the exact commands I don't recall what they were.

Valle: What happens after this?

Vance: As, as the suspect ran in this direction I, and he ran towards that vehicle and they were making the commands, immediately I heard someone say, and at the time I believe that it was Scott Inthavong, "He's reaching for something." And then I heard Sergeant Long say, "Shoot, shoot, shoot." And then there was an exchange of gunfire right here.

Valle: Okay.

Vance: And then I, I know for a fact that Scott Inthavong started shooting here and Nathan Botten was shooting right here.

Valle: So, did you actually see, you just clarified. So, you just see Inthavong shooting his gun?

Vance: I did.

Valle: And what direction was he shooting at?

Vance: He was shooting at the front passenger vehicle, or the front passenger door where Andrew Lane was at. And Nathan Botten was shooting towards the windshield in the direction of where Andrew Lane was inside the vehicle.

Valle: So, in your position where you marked on the stairs of the front of the station, could you see the suspect after he got to the passenger side?

Vance: I could see him when he was initially inside the vehicle. However, at, when, when Scott Inthavong ran towards this truck right here on the west side of the suspect vehicle, and then when Sergeant Long and Botten ran to the east side of this white vehicle that's east of the suspect's vehicle, I could not see where the suspect was. I could see the interior front passenger part of the vehicle, and I knew that he, I did not see him there. So, at the time I believed that he had gone into the back, but I don't know where in the back. Like it could have been the rear passenger part or in the far back, where it would be the cargo space of that vehicle.

Valle: So, I'm going to go back to the photograph of the overhead. I may show you another one just to, I think this will be a better one.

Vance: Yes.

Valle: It's another overhead shot of the front parking lot. Can you indicate with the initials of where you saw the deputies at the time of the shooting?

Vance: At the time of the shooting.

Valle: At the time you heard –

Vance: So, when it was initially, when the first shots went off?

Valle: Yes. So, if you can indicate where Scott Inthavong was.

Vance: Well, this truck is in the way obviously, but Scott Inthavong was, excuse me, was about here and then Nathan Botten was right about here.

Valle: And can you draw a line indicating those –

Vance: Sure.

Valle: - initials.

Vance: (Inaudible).

Valle: So, that's at the time of the shooting. Do you know where Sergeant Long was at the time? If you remember.

Vance: I don't remember.

Valle: What about Henry Shue?

Vance: Henry Shue at the time, I'm not sure where he was at. I know where he ended up, I don't remember where he was at during the shooting.

Valle: So, and were you still standing on that front portion, steps of the station at the time?

Vance: Yes sir.

Valle: Did you move anywhere?

Vance: I did.

Valle: Where did you move to?

Vance: When the shooting, I can't really see from this angle. (Inaudible). Okay. So, when I was, I was standing on the steps. Oh, here's way better. So, I was standing on the steps right here when the shooting initially started.

Valle: Okay.

Vance: I pulled my gun out of its holster, but I didn't point my gun at the suspect, because the suspect, because the deputies were directly, they would have been in my direct line of fire.

Valle: Okay.

Vance: So, then what I did was, I ran to this point right here, which is, I believed at the time the only point of cover.

Valle: Okay.

Vance: For where I was at. I could have run back into the station, but that would not have helped the situation at all.

Valle: So, you're indicating you ran to the tree?

Vance: I ran to the tree and I hid, used it as a point of concealment and cover. And the tree is pretty thick. I thought that if, if he had fired at me, that the tree would have probably stopped the bullet.

Valle: So, I'm going to refer back to the overhead. Now, when you took cover behind that tree, did these deputies, Nathan Botten and Scott Inthavong move?

Vance: They did move.

Valle: Where did they eventually end up at?

Vance: Scott Inthavong ended up about here, which is the west side of that, of the gray truck that's on the west side of the suspect vehicle, and then Nathan Botten, he was somewhere in about here.

Valle: At this point is Sergeant Long still unknown where he's at?

Vance: No. He's, he was right in here.

Valle: So, they were both on the east side of the first white vehicle?

Vance: Yes.

Valle: And what about Henry, Henry Shue?

Vance: Henry Shue was laying down right here.

Valle: Behind a planter?

Vance: Yes.

Valle: So, when they moved to those positions and now you're behind the tree, what happened after that?

Vance: Well, when I got behind this tree, I noticed that there was a construction worker right here and then there were two right here behind these trees right here.

Valle: Okay.

Vance: I, so this thing is going on right here. I immediately yelled at these guys to get out of there, because I felt that they were going to be in danger if they remained. So, I had these guys run past me.

Valle: Okay.

Vance: And run directly into the lobby.

Valle: Okay.

Vance: And then once they were out, then I noticed that Scott Inthavong was up here and then Nathan Botten was here, and Sergeant Long was here and then Henry Shue was right, right there.

Valle: Okay.

Vance: And then I remember them giving commands to show his hands, and then, and then at some point while they were here, I saw, I saw it, because I saw a glass shoot out the side right here.

Valle: You're indicating to the, is that the rear, rear side window?

Vance: Yes, it was the rear driver's side window and I saw a bunch of glass shoot, I heard a gunshot and I saw glass shoot out eastward.

Valle: Okay.

Vance: And so, it was at this point where I believed that either the suspect was shooting at Nathan Botten or Sergeant Long, or even possibly at me, or even at Henry Shue. So, I then returned fire and I shot about three to four times from my position behind this tree right here.

Valle: Let me back up a little bit. When these civilians, you direct them to run eastward and back into the lobby, was there gunfire going on?

Vance: There was not gunfire going on. It happened, the gunfire happened so quickly up here, and honestly, I have no idea how many shots went off right here. But I, the one guy was behind, I want to say it was a Prius. As soon as I, there was what I believed at the time was a lull in the shooting.

Valle: Uh huh.

Vance: Then I got these guys out of this position, so that if it continued, that they wouldn't be you know, in danger.

Valle: I know that you've indicated that you saw Scott Inthavong shoot while he was towards the front of the suspect's vehicle. How about in this position where he moved to the west of the pickup truck, did you see him firing his weapon in that position?

Vance: No, he did not.

Valle: Okay.

Vance: And in fact Nathan Botten and Sergeant Long did not shoot from this position either.

Valle: Which is east of that white car?

Vance: Yes.

Valle: And Henry Shue, did you see Henry shoot?

Vance: No.

Valle: Do you have anything before we move on?

Renteria: Did you hear anybody yell, "Gun."?

Vance: I did hear someone yell gun initially. I think it was, well, I'm not sure who it was that yelled gun, but I remembered that Scott Inthavong was yelling, "He's reaching or something." And then I believe that it was just before James Long or Sergeant Long said, "Shoot, shoot, shoot." I think that was right there.

Renteria: Now, roughly from you being on the steps right.

Vance: Yes sir.

Renteria: Which is where you originally saw all this transpire, approximately how far is it from your point of view to the truck?

Vance: Thirty feet, maybe.

Renteria: Was there anything blocking your view?

Vance: No, there was not.

Renteria: Nothing, okay.

Valle: I'm going to back up for a minute, as far as the initial when you walked into the lobby. I know you gave him, the deputies a description of what the suspect was wearing. I think the cowboy hat is kind of like an unusual attire.

Vance: Definitely.

Valle: When you walked into the lobby, you said you were behind the group, did you say, did you identify the suspect to your partners?

Vance: I said, well, when we were in the briefing area, I said that he's the one wearing the cowboy hat. Or that he was a cowboy and he was wearing a cowboy hat. And then when we walked out and I, I think I did tell them at the time, "He's the one wearing the hat." But it was pretty obvious at the time, well, I felt it was pretty obvious at the time, because he was the only one that had a cowboy hat on, although he was outside the lobby.

Renteria: Now, that's what I wanted to ask you, you said that while you were inside dispatch checking the warrant.

Vance: Yes sir.

Renteria: Are you able to see into the lobby?

Vance: I could, yes.

Renteria: Yeah. And did you see him in there at the time while you were checking for the warrant?

Vance: Yes sir.

Renteria: Okay.

Vance: Yes. When I was initially checking for the warrant.

Renteria: Yeah.

Vance: He was at the, he was still waiting at the counter and then I believe that he did go sit down. I do remember seeing him in the lobby. So, when I went back to briefing to talk to the deputies back there, I told them that he was in the lobby, because I believed that he was still in the lobby.

Renteria: And then when you came back up and you did not see him there, that's when you saw him through the glass door or how did you know that he was outside?

Vance: Yeah, when I walked into the lobby, there was a direct lane, you can see right through the lobby doors and I was able to see him leaning up against

the, that, the, this wall right here where the Temple emblem, or the Sheriff's Department star is.

Renteria: And then that's when you directed Deputy Inthavong towards that and other deputy personnel saying he's outside, that's him with the hat?

Vance: Yes.

Renteria: Now, roughly how many times had, had he come in for like I'd say register prior to this date? If you recall?

Vance: Well, he would, he would come in every year on his birthday.

Renteria: Okay.

Vance: And I believe this was probably, I'm going to say it's about the third time that he came in.

Renteria: Okay.

Vance: So, he has like a ten-day window, either five days before or five days after his birthday to come into register. So, I'm pretty sure this is the third time that he came in or at least that I had made eye contact with him.

Renteria: And on the other previous times that he would come into check in, how would he act?

Vance: Never had an issue with him. He was kind of low key. He, none of them are ever happy to come in there. But he wasn't, he didn't seem to be an angry individual. He didn't seem like, he wasn't one of the ones that I would you know, possibly have an issue with. He was compliant.

Renteria: Now, prior, prior to you even talking to like let's say or going down to the briefing and giving and saying, "Hey, this guy's in here with a warrant." Did you check to see if he had any like let's say violent arrest history?

Vance: I did not.

Renteria: No? Okay.

Valle: When you saw Deputy Inthavong towards the front of the vehicle, now he's in the parking lot with the suspect, you identified him to be on the passenger side of the vehicle. Did you hear Deputy Inthavong say anything out loud to his partners and yourself maybe?

Vance: I don't recall.

Valle: Okay.

Vance: I don't remember.

Valle: Did you hear the suspect say anything while he was at the vehicle?

Vance: I never once heard the suspect say anything.

Valle: And you said you saw Deputy Inthavong and Deputy Botten shoot. Do you know who shot first? The suspect or the deputies?

Vance: I believe it was Scott Inthavong that shot first.

Valle: And you describe a lull. In other words, it seemed like there was a volley of gunfire, a lull to get the civilians out and then they started up again?

Vance: I did say a lull. So, the shooting, the shooting occurred here.

Valle: At the front of the vehicle?

Vance: At the front of the vehicle. And this is the thing that I always make, and I read, I read my interview, but I always forget about this, what happened first. Whether it was that I got these guys over or if I shot first. I'm pretty sure that, that the shooting occurred and then the suspect shot, then I returned fire and then I got these guys out of there.

Valle: That's from what you remember?

Vance: From what I remember, but the thing is, is, I realize that this, what this says, but I can't remember exactly how it happened.

Valle: Okay.

Vance: One of those things that it's the only thing that's, that I'm really unsure of.

Valle: When you say they, you're referring to your transcripts?

Vance: Yes.

Valle: So, during this initial shooting, Inthavong and Botten, do you know how many rounds approximately you heard?

Vance: I do not.

Valle: Did you hear any of the gunshots, other than from the deputies?

Vance: From the suspect.

Valle: And was it a differential, like difference in the sound or the fact that you saw the glass breaking?

Vance: It didn't, it didn't sound like a handgun. And I know for a fact that, I know for a fact that it came from the inside of the vehicle.

Valle: So, it had a different sound to it?

Vance: It had a different sound to it.

Valle: And how many times did you hear that sound?

Vance: I only heard it the one time.

Valle: At any time did you see the suspect holding onto a firearm?

Vance: I did not.

Valle: Or any kind of weapon?

Vance: I did not.

Valle: While you were standing at that tree, I think you told Sergeant Renteria it was an estimate of about thirty feet away from the suspect's vehicle?

Vance: Approximately.

Valle: Could you see into the suspect's car?

Vance: I could see into the car. I could only see the front passenger portion of the vehicle. However, I was limited based off of the one of the bottom of the windshield. So, everything above I can see you know, what was, what I could see from back here, but like if somebody was ducked down in the front passenger, I couldn't see that. But I didn't see anybody out there. So, I believed at the time that the suspect was either in the rear passenger or in the way back where the compartment in the back where maybe you store items.

Valle: So, you could see the driver's seat area and the front passenger seat area?

Vance: I could, yes.

Valle: And could you see into the bench or the seating behind the driver's seat?

Vance: No, I could not.

Valle: And the rear compartment, as you said?

Vance: Right, no, I could not.

Valle: You could not, okay. Could you see if the car was occupied by anyone else other than the suspect?

Vance: I did not see anybody else in the vehicle.

Valle: Did you see any actions that the suspect, well let me ask you, what actions did the suspect do before you shot that made you feel threatened?

Vance: I felt threatened when I saw the glass come out, or I heard the gunshot and I saw the glass fly out the side, and I immediately knew, based off of that, that somebody inside that vehicle, the suspect, who I believed to be the sole occupant of the vehicle, was shooting from the rear passenger, sorry, the rear driver's side of the vehicle or the rear compartment of the vehicle.

Valle: And the way that you drew the lines on this picture, it looks like the window is breaking, it's shattering west, eastbound?

Vance: Yes.

Valle: And at that time that you heard and saw the glass break, where was Deputy Botten and Sergeant Long?

Vance: They were still on the east side of the white vehicle that's on the east side of the suspect vehicle.

Valle: And you said that you felt that either he was, the suspect was shooting either at your partners or at yourself?

Vance: Yes.

Valle: And you said you shot three to four times?

Vance: Yes.

Valle: Did you do a magazine exchange, tactical reload?

Vance: No, I did not.

Valle: And describe or tell me what was your independent reasoning for shooting towards the suspect?

Vance: I felt that my partners were in immediate danger or even myself was in immediate danger of great bodily harm or death.

Valle: What was your state of mind at the time before you began to shoot?

Vance: My state of mind was that I needed to stop this individual from hurting or killing one of my partners.

Valle: And you had described you were taking cover behind the tree, is that correct?

Vance: That is correct.

Valle: And you said that you believed that it provided adequate cover?

Vance: I believed at the time, yes. It provided adequate cover.

Valle: Now, what was the lighting conditions at the time that you were shooting?

Vance: It was, it was a clear sunny day.

Valle: How was the visibility?

Vance: I had clear visibility of the suspect vehicle and the background.

Valle: And the position that you held, did you see any crossfire situation?

Vance: I did not. And the reason being is because I felt that the suspect was in the rear of the vehicle and if the deputies had to return fire from the location where they were behind either side of the vehicles, that they would have been shooting in a northerly direction from where they were in cover, behind the vehicles they were at. So, Scott Inthavong would have been shooting in an northeasterly direction and then Deputy Botten or even Sergeant Long would have been shooting in a northwestern direction towards the suspect vehicle.

Valle: Now, just to clarify, when you were firing your weapon from the tree, neither of these deputies, Inthavong, Botten were firing their weapon, is that correct?

Vance: That is correct.

Valle: At the time that you were shooting, what was your backdrop?

Vance: The backdrop behind the suspect vehicle, there's a concrete wall that is approximately seven feet tall. It's an approximate. That goes from the far northwest corner to, to the driveway on the east, the northeast portion of the parking lot.

Valle: Were you able to bring up your sights and acquire a target?

Vance: I shot into the vehicle. So, I was able to bring up my gun and acquire the rear portion of the vehicle where I believed that the suspect was. However, I did not see the suspect. So, I was shooting into the vehicle, trying to stop that individual from shooting.

Valle: And when you brought up your, did you say you brought up your sights to actually front sights aligned with the rear, do you know what I'm talking about?

Vance: Yes sir.

Valle: Were you able to bring those up and actually see those or you just brought up your gun and started shooting?

Vance: No, I, I took careful aim. I was able to acquire a target, I was able to use front sight, rear sight and I was very careful as far as what I was trying to do. I made sure that I was shooting into that vehicle and I tried to shoot towards the, towards the rear passenger portion of the vehicle.

Valle: Do you know where your rounds went, I mean if you know?

Vance: I know where I was shooting.

Valle: Where?

Vance: I was shooting on the drivers' side of the vehicle.

Valle: Let me show you a picture. I know it's not perfect in the position that you were in, but it's kind of in the general area. It looks like the photograph is depicting the parking lot in a northward, northwest direction. Do you see the suspect's vehicle in this image?

Vance: I do.

Valle: So, can you, can you tell me by looking at this picture where you were shooting?

Vance: Yes.

Valle: Where, and you can use the pen as well. What was your target you were aiming your bullets towards?

Vance: Well, it's kind of hard to tell based off of this photo, you can't see where I was actually standing.

Valle: Let me give you another one better.

Vance: Okay.

Valle: Sorry.

Vance: That's fair. Excuse me.

Valle: It's the same image, it's facing images taking a picture of northbound, towards the parking lot.

Vance: Right, so, I initially aimed the rear passenger side. Sorry, the rear driver's side window and the, on the right side of the driver's side window, I was aiming towards the rear of the vehicle where I believe the suspect was.

Valle: And is this the window that you saw with a bullet, I mean a gunshot coming out of?

Vance: Yes.

Valle: And can you indicate in this picture where Sergeant Long and Botten were?

Vance: They were crouched down approximately –

Valle: Around there?

Vance: Well, now I'm confused. Because there was two vehicles. I don't recall there being two vehicles there. I only remember the one there. But I think actually they were behind this vehicle.

Valle: Okay.

Lawrence: The one more to the right in the photograph?

Vance: No, honestly, I don't, I know that they were behind the white vehicle.

Valle: You just can't remember if it's the one in the middle?

Vance: Yeah, it's funny, I don't remember if it was, I don't think that they were this close. I think they were back here.

Valle: Do you want to make that distinction on this one too, or if you remember. I mean why don't you just give the best to your recollection?

Vance: I don't remember. Actually, you know, I, I know that they were behind the white vehicle and I don't remember, I want to say, I want to say it was the second one over here, but honestly, I don't recall. I know that they were behind the white vehicle.

Valle: They were on the east side of one of the two white vehicles?

Vance: Yes.

Valle: So, it looks like they have some distance between the suspects' vehicle.

Vance: Yes.

Valle: So, to go back to my original question, you believe you shot your gun and aimed towards the driver's side window and the rear driver's side passenger window?

Vance: Yes.

Valle: And again that was about four, four times?

Vance: Yeah, about three or four times.

Valle: Can you describe your rate of fire?

Vance: I wasn't hurried. I was very careful as far as what I was shooting. I was trying to be as careful as I possibly could to make sure that my rounds did not go over this wall, which I believed at the time to be seven feet tall. I don't know why it seems like it's shorter to me, but I was trying to be, I was trying to be as careful as I possibly could to make sure that the rounds only went in the area that I was firing.

Valle: Okay.

Vance: And at the time I could tell that there were no pedestrians that were walking up on the sidewalk that's north of the parking lot area.

Valle: And that was going to be another question I was, describe your field of fire. And I know in this photograph we have the two SEB vehicles in the parking lot. What was your field of fire?

Vance: My field of fire was open. I honestly there was where I was shooting from, all I was looking at was the suspect vehicle, I was aware of the fact that Deputy Nathan Botten and Sergeant Long were over on the east side of the vehicle and I was aware of the fact that Scott Inthavong was over on the west side of the vehicle or on the west side of that gray truck. I was aware where they were at and I was able to see that there was no pedestrians up on top and that I had a clear view of the suspect vehicle.

Valle: After the shooting had stopped, did you try to communicate with the suspect?

Vance: I did.

Valle: Tell me about that.

Vance: I yelled at him, "Andrew Lane, show us your hands. Please show us your hands. You're not going to get medical attention until you show us your hands that you don't have a weapon."

Valle: Something like that?

Vance: Something like that.

Valle: Did you hear any other commands from other deputies?

Vance: I know that the deputies were making commands, or giving commands. They were saying; raise your hands. At some point our, one of our helicopters that Aero, I'm not sure which Aero came overhead and I was trying to communicate with Sergeant Long to get the air ship to go up a little bit higher, because it was so low that it was causing this, this loud noise so that we weren't really able to effectively communicate with each other.

Valle: Uh huh. I know you said you didn't have a radio yourself, but do you know if your partners were communicating with SCC?

Vance: I know, I know that Sergeant Long was communicating on the radio and that Henry Shue was on the radio at one point. I don't know if they were communicating with SCC.

Valle: How did you end up getting out of the parking lot?

Vance: There was a sheriff's vehicle, a black and white that came in through the, came in through the driveway on the northeast side of the parking lot.

Valle: Okay.

Vance: It was the black and white SUV and the vehicle drove south through the driveway and then stopped approximately, initially stopped in front of, or just, just I want to say just west of the suspect vehicle, and then the deputies walked down with it and they had a shield, and we were able, or they were able to walk up and get Sergeant, or Scott Inthavong, and then once Inthavong was rescued, they began to back out slowly. The black and white backed out slowly and the deputies were walking on the south side of the vehicle with the shield. And they started going eastbound. At some point I communicated to them and then I think that they realized that I was there. I know that Scott or sorry, Nathan Botten and Sergeant Long knew I was there, I think that it was because I was behind a tree they just whatever. So, then I was able to move up with them. I believe it was Botten came over with a shield and then you know, walked me back towards the vehicle and then we slowly backed out and then came back, and you can't really see it, but I believe the vehicle ended up in the K-Mart parking lot just east of the station parking lot.

Valle: Do you have anything else?

Vance: Now that I think about it, I realize we're still on tape, so I'm going to say it, I'm going to say that Nathan Botten and Sergeant Long were over here.

Valle: Okay.

Vance: Because I seem to recall them crouched down next to, or near this planter right here. I recall because a lot of, unfortunately because Henry Shue was laying down here in the driveway, there was a vehicle that came in and tried to come into the parking lot. It was a white minivan. So, I remember that looking over here and seeing that he was on his radio at one point, when he was laying down in the driveway. So, I'm going to say that Nathan, Nathan Botten and Sergeant Long were on, behind this white vehicle.

Valle: Okay.

Vance: But I know that they were on the east side of the suspect vehicle and that they were on the east side of the passenger side of the white vehicle.

Valle: We'll make note of that. Do you have anything else to add, do you have any other questions? Alright Brian, yeah, we weren't there. So, do you feel like we've answered all the questions or anything else that we forgot to ask you to clarify, give us a better understanding of what happened that morning?

Vance: No, I believe you guys were very thorough.

Valle: Alright, we're going to end the interview. The time is 12:24 PM. Thank you.

WITNESS INTERVIEW

DEPUTY BRIAN VANCE

Boisvert: On tape.

Aguilera: Okay. Today's date is March 20th, 2017. It's approximately 1325 hours. This is Detective Aguilera along with, with Detective Boisvert from Sheriff's Homicide and we're here in regards to a deputy-involved shooting that occurred on today's date under Sheriff's file number 017032490522 and 013. Also present is Attorney Sherry Lawrence from Green and Shinee representing Deputy Brian Vance from the Temple Sheriff's Station. And Deputy Vance, you're assigned here to Temple Sheriff's Station?

Vance: Yes, I am.

Aguilera: And how long have you been here?

Vance: I have been here for approximately [redacted] years.

Aguilera: And how long have you been with the Department for?

Vance: For approximately [redacted] years.

Aguilera: And today you were assigned to what?

Vance: Today I was assigned as the sex registration deputy.

Aguilera: And your hours for today?

Vance: My hours are [redacted].

Aguilera: And we spoke earlier before we went on tape, and you said you've had this assignment for about [redacted] and [redacted] years?

Vance: Yes, sir.

Aguilera: And today you started work at [redacted] What is your normal attire?

Vance: Normally I wear a uniform.

Aguilera: And is that a Class A uniform?

Vance: Yes, sir.

Aguilera: And today I see that you're not in a Class A uniform.

Vance: That's correct.

Aguilera: And is there a reason for that?

Vance: Yes, there is.

Aguilera: Go ahead.

Vance: All of last week I was on vacation and I had it set up so that all of my registrants would come in today at 7 o'clock. I was running late, because it's my first day back from vacation, and I went directly to the counter to make contact with the registrants at, in the lobby with the intention to, once I got their information that I would go down to the locker room and change into my unif-, uniform and then come back up to the Detective Bureau and sit down and commence working.

Aguilera: So you basically wanted to go down there just to let 'em know they're not there for no reason, that I'm here. I'll be right back down with you guys?

Vance: Yes, sir. My intention was just to make contact with them, let 'em know that I was here and get their paperwork, so I can get started but then also let them know that they weren't waiting for a long period of time while I had to go and dress out of my uniform.

Aguilera: And during that time you identified yourself as to who you were?

Vance: Yes, I did.

Aguilera: And you're wearing a brown jacket, blue jeans. Is that a gray T-shirt?

Vance: It's a gray T-shirt.

Aguilera: And that's what you were wearing when you introduced yourself to these people?

Vance: Yes, sir.

Aguilera: What happened after that?

Vance: I had several registrants come up to the counter. At one point Andrew Lane came up to the counter. He, he is a male white in his 40's. He was wearing a black cowboy hat and jeans. He identified himself as Andrew Lane, and I had recognized him from contacts before. I also was aware that LAPD had issued a warrant for his arrest for some type of lewd act

with a child, I wa-, and I was aware of this, because I spoke to LAPD detectives back in January or December, and I had a cell phone of one of the detectives, and he was calling me. We were constantly playing phone tag, but he was trying to make contact with this guy, with Andrew Lane.

Aguilera: With, with the suspect, okay.

Vance: Yes. So there, when I made contact with Andrew Lane at the counter it was my belief that there was a warrant; however, when he, when I asked him for his identification and for his registration receipt, which I had possibly issued him the last time that he came in on his birthday or around the time of his birthday for the registration last year he opened his wallet, and the wallet fell open on the lobby counter. When it opened I saw that there was two identifications that said SWAT Officer in his wallet, and they had, and one, and at least one of 'em had a photo ID, so I began asking him questions. "Hey, what's that?" And he told me that he had been a s-, security officer for 12 years and that, you know, he, he's gone through this before, and he's allowed to carry that. And I asked him if, to see his wallet and I looked at it closer, and then I noticed that he had a silver metal badge underneath the, one of the identifications, and the badge appeared to be like an LAPD badge; however, it did, I, I believe, I don't recall exactly, but I believe it said Security Officer on the badge. But I asked him about it, because when you opened it it looked like, it looked like a police officer's badge, so I, and I asked him, and he told me that, you know, he'd been doing it for 12 years and that he thought that it was okay, and I just told him, "Hey look, just to let you know, it kind of makes you look like a police officer and that you're trying to come off as being a police officer." So after I got his information I walked into the dispatch area and then sat down in one of the terminals and ran his information and then through department resources I was able to determine that he had a want for a lewd act with a child. And I initially called LAPD but I was placed on hold for like ten minutes, so I just continued to go through the return and I noticed that there was a warrant for $40,000 for, I don't, I don't know what the section is offhand, it was 311 point something.

Aguilera: Penal code section?

Vance: Yes, sir. It was a $40,000 felony warrant and, and I just said, you know, said to myself I'm not gonna try to get a hold of LAPD, 'cause I'm already getting the runaround so I'll see if one of our deputies can handle it. So with that inform-, I printed that information up, and then I walked to our briefing room where the 700, the 0700 hour briefing was still ongoing.

Aguilera: Uh-huh (AFFIRMATIVE).

Vance: At the end of the briefing, I want, I wanna say it was about 7:20, somewhere around there, I asked the deputies in there, and at the time it was Deputy Inthavong and Deputy Shue and Deputy John Marquez and Sergeant Long. There was a lieutenant in there, but I, I do not know who, who he was, but I asked if anybody wanted to take the arrest for that warrant. Deputy Inthavong immediately volunteered and at the end of the briefing he came up, and I said, "Hey look, here, this is what I have. I have, this guy's got a warrant. He's got a felony warrant, and he's a 290 registrant; however, I saw this badge and it said SWAT Officer on there, and it kind of looks like he was trying to come off as a, as a police officer, so I'm, and I kind of got, and I'm kind of getting this feeling that I think that he's got a weapon. I don't know if it's on him or somewhere else, but I believe that he may have a weapon." Oh, he also, the suspect also told me, I'm sorry, let me go back a little bit, he told me he had just come back from Wyoming and, and I know that the, the gun laws in Wyoming are way more lax than they are in California, so with what he told me about the coming back from Wyoming and seeing that badge even more so I was like there's a possibility this guy's got a weapon, so I tried to make sure that it wasn't just one deputy going out to the lobby to make contact with this guy.

Aguilera: Uh-huh (AFFIRMATIVE).

Vance: So Deputy Shue and then Sergeant Long decided to come with us, and I was just walking with the deputies to give them the information. My intent was not to be in the lobby to make the arrest, only to identify him if necessary. As we got towards the Watch Sergeant's office, Deputy Botten decided that he would go out there with us.

Aguilera: The Watch Sergeant's office I'm sorry is, is inside, outside of the lobby on the other side of that door, right, that leads from inside to the lobby or from the lobby to the inside of the jail, correct?

Vance: Yes, sir, yes, sir. So then Deputy Inthavong, Botten, Shue and Sergeant Long walked out the door towards the lobby area, and I kind of hung back, and as they ma-, turned the corner and went towards the front door of the lobby....

Aguilera: Making a left?

Vance: Yes, sir. I walked into dispatch just to watch him to make sure, no, I take that back, I didn't go into dispatch. I walked out into the lobby but I was hanging back, and as they walked out I noticed that the suspect was outside of the lobby but within like 10 feet of the doors, and he was leaning up against the wall. Well as soon as the deputies started going closer towards him he started kind of doing the slow walk back like he was

about to take off running, and sure enough within seconds the guy just turned around and started running, and he started running towards the, the northwest part of the parking lot and took his cowboy hat off and threw it. And, and at the time I didn't know where he was going, because I was thinking there's nowhere he's gonna, he can go. The, the parking lot's fenced off, but he ran right towards this blue Trailblazer.

Aguilera: And where are you standing at at this point?

Vance: Okay, I was standing just outside of the lobby down at the base of the stairs in front of the doors. I, I hung back, because I, I'm not in uniform...

Aguilera: Right.

Vance: ...so there's no way I'm gonna approach up on this guy.

Aguilera: You're near that wall where he was leaning on?

Vance: Yes, sir. So then he, he took off, ran towards that car, got in the front passenger, or it looked like the front passenger door...

Aguilera: Uh-huh (AFFIRMATIVE).

Vance: ...and I heard, Inthavong actually ran towards him and everybody else was running out there, but Inthavong was on the left or the, the western side of the parking lot getting a little bit closer towards him, and I suddenly heard Inthavong yell, "He's reaching for something. He's reaching for something," and then on this, on the eastern side of the parking lot I heard Sergeant Long yell, "Shoot, shoot, shoot," and then Deputy Inthavong started shooting and then Deputy Botten started shooting, and I, I have my firearm. I pulled it out of my waistband; however, I did not draw down, because I'm standing behind everybody, and I'm still a distance away, so as soon as this shooting started I ran from my position to the, just maybe, maybe 10 feet to the west, and there was a tree there. I mean that was the only, it was the only cover that I could find within that short period of time, so I ran behind and I stood behind that tree. At that point I noticed that there was, I was still watching what was going on, but I noticed that there was three workers in the front, and one of 'em was ducked down behind a, a Prius that was parked like in the electrical charging station area...

Aguilera: Uh-huh (AFFIRMATIVE).

Vance: ...and then there was two guys that were hiding in the bushes, so I yelled at 'em, "Get over here. Come over here," and I had them come towards me and then had 'em go into the lobby area, and the shooting's still going

on and then Inthavong went behind this Chevy truck, it was over on the western side of the Trailblazer.

Aguilera: That gray truck?

Vance: Yes, sir. And then Sergeant Long and Deputy Botten hid behind this white car that was on the eastern side of the Trailblazer, and then Deputy Shue was laying down in the driveway behind this concrete wall that was literally like a foot and a half off the ground, and I remained at that, the tree right there, and once those guys had gotten around to the side I saw, I was watching and I saw, or I heard a gunshot and I saw the glass fly out from the driver's side of the vehicle, I wanna say rear passenger but on the driver's side of the vehicle. I saw it fly out, so I knew, holy crap, he's shooting right now...

Aguilera: Uh-huh (AFFIRMATIVE).

Vance: ...so it was my immediate thought that he was either shooting at my partners or he was shooting at myself, and I immediately fired three to four rounds at that vehicle trying to stop him from shooting.

Aguilera: The glass that was shattered from the driver's side you think may have been from the rear passenger?

Vance: Yes, sir.

Aguilera: Who was standing over there. I, I'm not confused, but I wanna make sure what deputy was on that side, the east side. Was that Shue?

Vance: Okay, on the east side of the parking lot, okay on the northeast side of the parking lot...

Aguilera: Yeah.

Vance: ...there was a white car...

Aguilera: Right.

Vance: ...and directly on the passe-, or on the driver's side of that was Sergeant Long and Deputy Botten, and then behind them was the driveway...

Aguilera: Right.

Vance: ...and then there was like, kind of like a curve that was about a, a foot and a half total...

Aguilera: Uh-huh (AFFIRMATIVE).

Vance: ...and Shue was laying down behind that.

Aguilera: That's like the apron towards the...

Vance: Yes, sir.

Aguilera: ...the ramp to get in and out?

Vance: Yes, sir.

Aguilera: So there were, three of your partners were on that side?

Vance: Yes, and....

Aguilera: And when you saw that you thought that they were being fired at?

Vance: Yes, and when I fired I made sure that of my backdrop, I knew for a fact that there was a concrete wall directly behind my vehicle...

Aguilera: Uh-huh (AFFIRMATIVE).

Vance: ...and there was no way that anybody could be directly behind that vehicle without me being able to see it, because I had a straight on view of the Trailblazer, and I was able to see on either side of the vehicle. Also, there's a sidewalk that's about 7 feet high off of the parking lot ground, you know, the parking area...

Aguilera: Right.

Vance: ...up above, and I could tell that there was nobody up there.

Aguilera: Do you remember if the suspect vehicle was backed into the stall?

Vance: It was.

Aguilera: Was he in the back seat, could you tell?

Vance: No, that's, that's something I could not tell. I don't know, when he entered the vehicle, and I did see him enter the vehicle, I could not tell where he went inside the vehicle.

Aguilera: Could you tell what type of weapon he was firing?

Vance: No, I could not. I, in fact I never saw the gun; however, I heard the gun go off, and I saw what appeared like a bullet went up. I mean I didn't see the bullet, but I saw the shot go out through the window...

Aguilera: Right.

Vance: ...and when the deputies were shooting at the, the windshield, I could tell when their rounds were hitting the windshield or on the glass...

Aguilera: Uh-huh (AFFIRMATIVE).

Vance: ...but this was different, because there, you know, when the, the bullets go in they, there's a little bit of a glass displacement, but this is an actual, like a lot of glass that was flying out towards the east.

Aguilera: Right, right.

Vance: I mean I don't know how far it went but I, it was obvious to me at the time that he was shooting from inside the vehicle outwards.

Aguilera: And you said you used a tree as cover?

Vance: Yes, sir.

Aguilera: Were you dead center of the car or were you off to the left or to the right of it, like the suspect's car?

Vance: I was a little east of the vehicle but directly in front of the vehicle, and let me just tell you that, that the reason why I remained at that location was because the vehicle that those workers, the worker was hiding behind, he was like 40 feet away from me, so there was no way that I felt that I could safely get over there if this guy indeed shot again. But another thing is I had this concrete like wall that was kind of at an angle so I could not see around that, and I was worried that if I went around that corner that I may, might have been fired on by whoever's standing in the lobby, because I know that there was somebody at the lobby door with a, with a weapon.

Aguilera: At, at the time when his round went off from within were deputies firing at the same time, if you recall?

Vance: I don't recall.

Aguilera: After that what happened when you fired your rounds?

Vance: After I fired my rounds I did not see any return fire after that, so I pretty much just reassessed. I kept my weapon out in the event that he fired

again, but I did not re, I did not shoot again, and then I would say immediately Aero was overhead and I tried to assist the deputies with giving commands to the suspect, because I knew his name.

Aguilera: Uh-huh (AFFIRMATIVE).

Vance: Everybody else, I don't think they knew what his name was, but I was able, I was giving him commands. "Andrew Lane, put your hands up. Please put your hands up. If you don't put your hands up you will not be able to receive medical attention. We need to see your hands to make sure you're not armed."

Aguilera: Uh-huh (AFFIRMATIVE).

Vance: But there was no response. I was, at one point I was trying to, I mean it was hard, because the helicopter was so low overhead....

Aguilera: Our helicopter?

Vance: Yeah.

Aguilera: Department helicopter?

Vance: Yeah, and I understand. I mean, you know, they wanna make sure that, you know, we're all accounted for and all that stuff too. I was yelling for Sergeant Long to have Aero go up to a higher orbit so that we could communicate with this guy. I think we were just, it was, I didn't have a radio, so I couldn't hear what was going on, but they went, they were making commands, but there was obviously no movement inside the vehicle at that point.

Aguilera: Then what happened after that? Well, let me, let me ask you, what commands did you hear the other deputies saying?

Vance: "Put your hands up. Put your hands up and come out of the vehicle."

Aguilera: And no response?

Vance: No response.

Aguilera: Then what happened?

Vance: I don't know how long it, it took. I know that I heard someone yell, "Get Fire or get an ambulance." I don't know who it was that said that. I know that after, and, and I, I don't know time, how long it took, but there was a black-and-white SUV that was up on Las Tunas. It came from the east

and I, I don't know if it came from the parking lot or what, where it came from, but there was a bunch of deputies and I know that there was a shield, and at some point they drove south into the lobby parking lot at an angle, and they went towards the front of the Trailblazer, probably about 20 or 30 feet away...

Aguilera: Uh-huh (AFFIRMATIVE), in the radio car?

Vance: ...in the radio car, but they slowly pulled into the, into the parking lot, and the deputies were on the outside of it with a shield to, to go over there and rescue Inthavong, and then once, once they got Inthavong they started to back up, but then I was like, "Hey, what about me guys?"

Aguilera: Right.

Vance: Right. So then they came back, and I was able to get out there, and then we all backed up out of there.

Aguilera: You said Inthavong was on the west side?

Vance: He was.

Aguilera: And near that gray truck?

Vance: Yes, he was, he was crouched down behind and I would say near the, the passenger side front bumper.

Aguilera: So he was close to the wall. There's a retaining wall there as well. It's the, the gray truck, just so you know, was parked in the last stall going west, and that's where Inthavong was, near the headlight of the passenger side?

Vance: Well it was, it was parked in backwards also...

Aguilera: Right, correct.

Vance: ...and yeah, he, it was head out and he was on the west side of the vehicle right near the, like the front bumper...

Aguilera: Right.

Vance: ...corner.

Aguilera: Right. So they rescued Inthavong and then they come back, and then they rescue you?

Vance: Yes, sir.

Aguilera: And then you walk out alongside the car behind the car on the driver's side?

Vance: Yes, sir.

Aguilera: As they're backing up?

Vance: Yes, sir.

Aguilera: And then where do you go?

Vance: From there I just I w-, from where the vehicle stopped on Las Tunas, I, it was near the driveway of, the first driveway towards K-Mart. I just walked from there to the, and stood behind the retaining wall that separates the station driveway from K-Mart.

Aguilera: Correct, okay.

Vance: And I stood there and then made sure that Deputy Botten and Shue and Inthavong all came over and we came over and made sure that everybody was okay and, and, and I told 'em, you know, you know, let's, if you guys need something let me know. Call, call your family and let 'em know that you're okay, because they're gonna be watching. Somebody's gonna talk to your family and they're gonna wanna hear from you so.

Aguilera: And what happened next? Could you hear at all any commands being given to the suspect by anybody in radio cars?

Vance: I could. I could hear it, but I don't know who was giving those commands.

Aguilera: Do you know what the commands were?

Vance: I don't recall. I, I know it was "Put your hands up" and...

Aguilera: So now you have deputies containing both sides, the east and the west side...

Vance: Yes, sir.

Aguilera: ...from Las Tunas?

Vance: Yes, sir.

Aguilera: You no longer have deputies in the lobby parking lot, correct?

Vance: No.

Aguilera: What happens after that?

Vance: After that I, I was escorted south through the alleyway be-, behind K-Mart, and we just walked, in fact Detective Bayer walked me and the, the other guys through the alleyway and then towards the south end of the station, and we gave up the DB.

Aguilera: And that was the last you saw of anything?

Vance: That, that was it after that.

Aguilera: ...regarding that parking lot?

Vance: Yes, sir.

Aguilera: I'm gonna take you just to the beginning, just a couple of questions.

Vance: Of course.

Aguilera: How many registrants do you think were in the lobby at the time?

Vance: There was, including Andrew Lane, there was five, five total.

Aguilera: And they were still there during all this?

Vance: Yes, sir.

Aguilera: You said you had contact with the suspect in the past?

Vance: Yes.

Aguilera: About how many would you say you had?

Vance: Once or twice, but I also talked to him on the phone in December or January area, because LAPD asked me to make a, a call to see if I could get him to come in so that they could make an arrest, and I used a ruse as to, I told him, I told the suspect that, I told him that hey I needed to take, re-take a photo of you, so if you don't mind coming in and so I can take it real quick and then you'll be out of here.

Aguilera: Did he ever come in?

Vance: He never came in.

Aguilera: So you never went to his apartment?

Vance: No, I did not.

Aguilera: And you were made aware that there was a warrant by LAPD detectives?

Vance: Yeah, LAPD detectives told me that they were gonna issue a warrant.

Aguilera: Do you know where they were from?

Vance: I don't.

Aguilera: Names?

Vance: The only one that I know of is Detective Montono.

Aguilera: Montono?

Vance: Uh-huh (AFFIRMATIVE).

Aguilera: Is that a male or a female?

Vance: Male.

Aguilera: And then you said when you went to the terminal, the JDIC terminal he had a want and a warrant?

Vance: Yes, sir.

Aguilera: So there was a want in the system...

Vance: Yes, sir.

Aguilera: ...and there was a warrant in the system for $40,000...

Vance: Yes, sir.

Aguilera: ...for a, a p-, penal code, but you don't remember what code it was?

Vance: It was 311, and I think it was .11, but I'm not really sure.

Aguilera: How about his arrest and conviction as to why he was registered? Are you familiar with the case at all?

Vance: Not, LAPD told me, or gave me some information, but I don't know if that was what his initial charge was.

Aguilera: And then the wall that the suspect was leaning was the wall that has the Department emblem and the Temple Sheriff's Station sign on it just right outside the lobby? If you're walking out of the lobby it's the wall to your left, correct?

Vance: Yes.

Aguilera: What type of gun do you carry?

Vance: I carry a Smith & Wesson M&P 9 mm.

Aguilera: Do you have that on you now?

Vance: I do.

Aguilera: And what type of holster were you wearing?

Vance: I have a, I'm not really sure. It's an in-the-pants holster. I forgot what it's called, but it's....

Aguilera: It's clipped to your front waistband?

Vance: It's, yeah, it's concealed in my waistband, yeah.

Aguilera: Were you carrying it in front or on the side?

Vance: In the front.

Aguilera: And that's how you were carrying it this morning?

Vance: Yes, sir.

Aguilera: How do you normally carry your gun, how many in the mag?

Vance: Fully loaded, 17 in the magazine and one in the chamber.

Aguilera: And that's how you carried it this morning, correct?

Vance: That's correct.

Aguilera: What I'm gonna ask you to do is go ahead and take your gun out. Just point it down, remove the magazine and set the magazine on the table if you could. Okay, go ahead and take the round out. Okay, so you've got one in the slide, and can you go ahead and count the rounds you have in your magazine taking 'em out individually.

Vance: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 13.

Aguilera: So you have one in the slide, 13 in the mag...

Vance: Yes.

Aguilera: ...for a total of 14, and you think you got off about three rounds?

Vance: Three to four, yeah.

Aguilera: No tactical reloads, nothing?

Vance: No, I didn't, I didn't have a backup magazine.

Aguilera: Can you read off the serial number for us if you could?

Vance: This is my personal weapon. The serial number is M as in Mary...

Aguilera: Uh-huh (AFFIRMATIVE).

Vance: ...R as in Robert, F as in Frank, [redacted]

Aguilera: And this is a Smith & Wesson M&P 9 mm?

Vance: Yes, sir.

Aguilera: No surefire light, nothing on it?

Vance: No.

Aguilera: The Department did not issue that weapon to me. I had purchased it before the Department was issuing the firearm, firearms. I still have the, the Beretta 92F.

Vance: Is that what you carry normally on duty?

Aguilera: No, this is the one I carry normally. I did take the training, and I couldn't tell you when I took the training. I think it was back in [redacted]

Vance: Yeah, that's fine, okay. Do you have any questions?

Boisvert: I don't have any questions.

Vance: Sherry, do you have any questions?

Lawrence: No, I don't.

Vance: Do you have anything else?

Aguilera: No, sir.

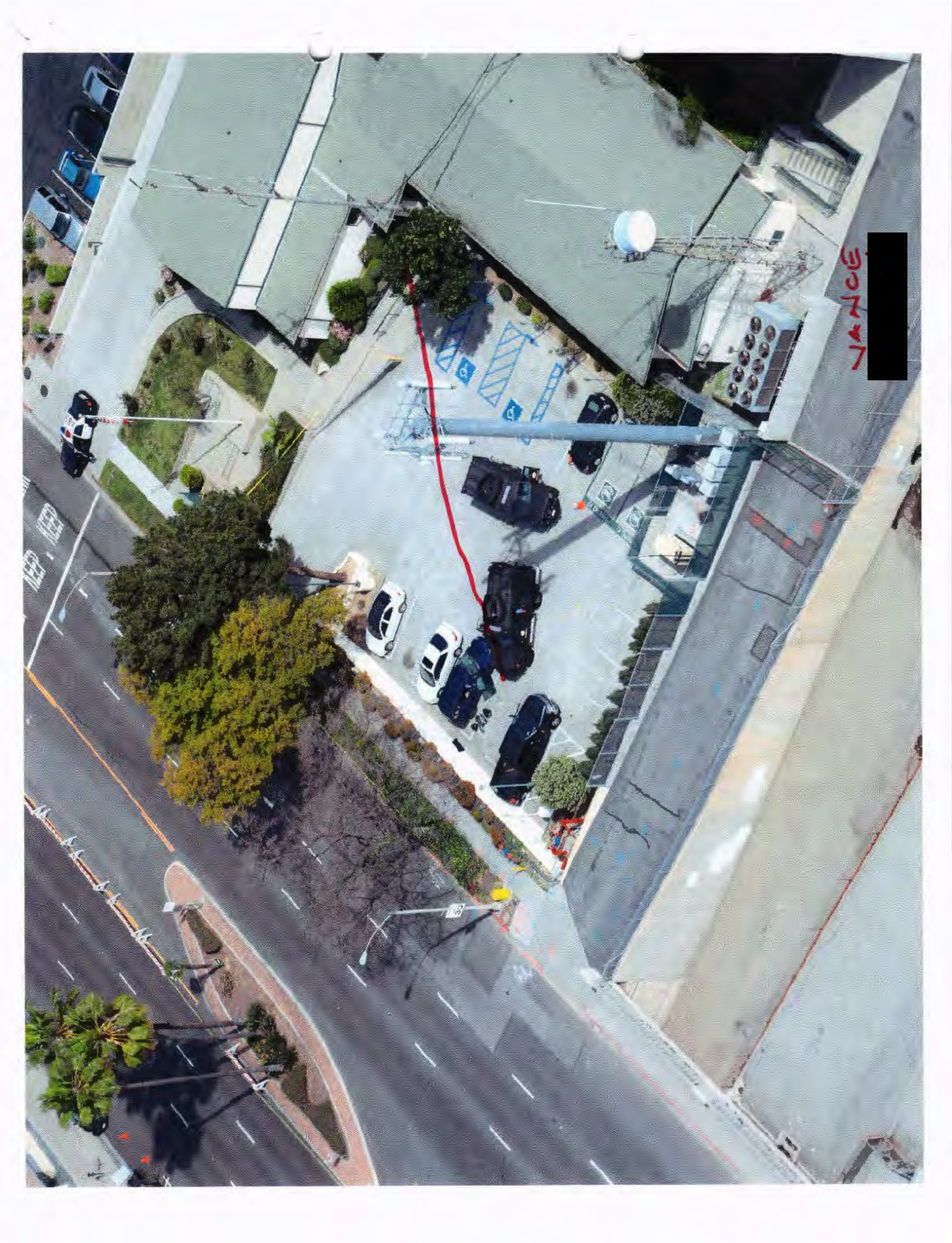
Vance: It's approximately 1555 hours. We'll go off tape.

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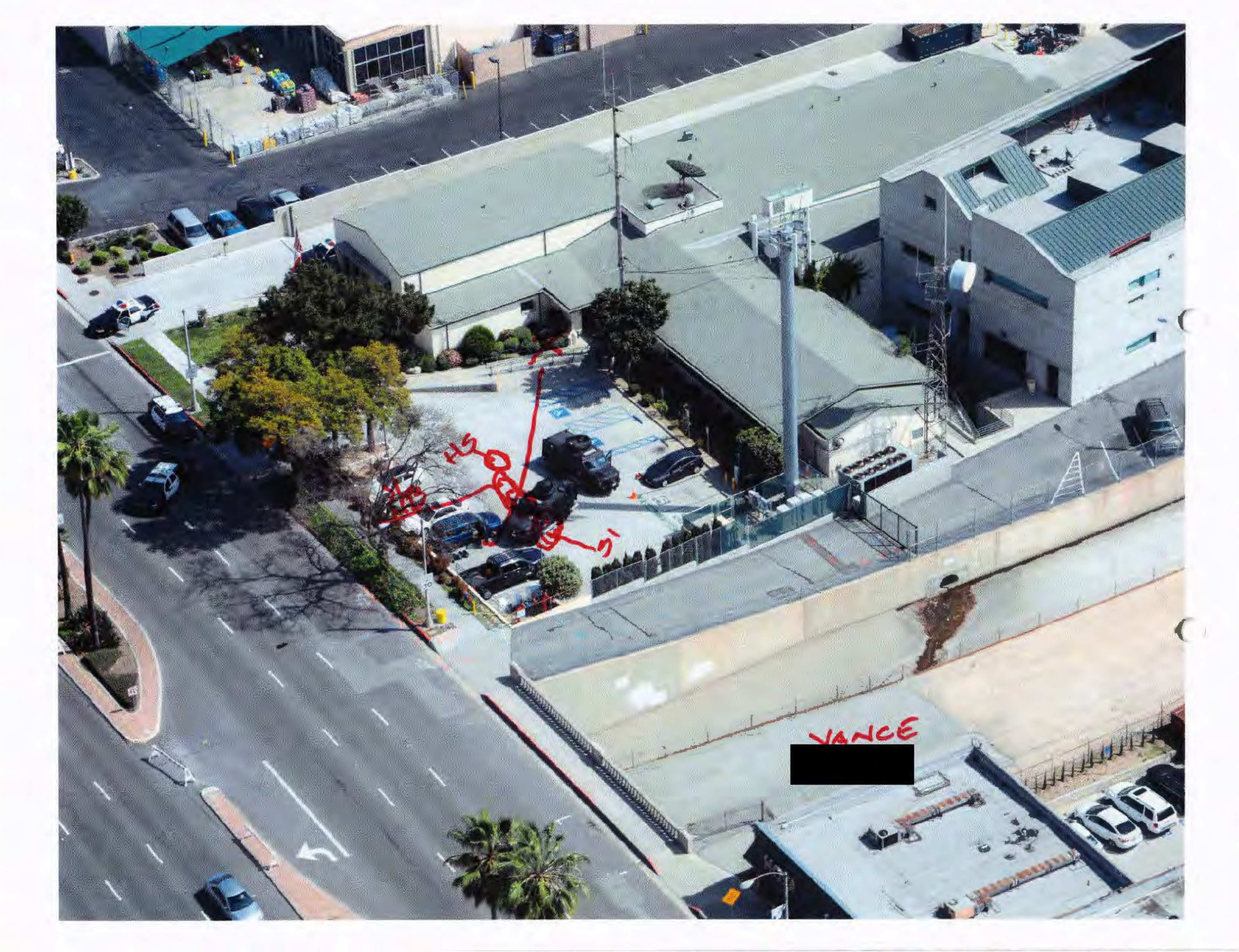

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